

# **UNIFORM RULES**

## **JUVENILE COURTS OF THE STATE OF GEORGIA**



### **COUNCIL OF JUVENILE COURT JUDGES**

## **SECTION 1. PRELIMINARY PROVISIONS**

### **RULE 1.1. SCOPE**

These are rules of practice and procedure for the juvenile courts of Georgia. It is recognized that it is difficult to adopt a stringent set of uniform rules for the juvenile courts of Georgia due to the diversity of the juvenile court system of this State. Great differences in population, in rural and urban courts, full-time judges as opposed to part-time judges, independent probation staff as opposed to state court service workers, as well as regional versus local Youth Development Centers near and far from the courts make a stringent set of uniform rules impractical. However, in an effort to provide general uniformity to the juvenile courts of this state, these rules will be broad. This will leave opportunities for each individual court to narrow these by means of local guidelines as they find necessary.

These rules are established by the Georgia Supreme Court with the advice and consent of the Council of Juvenile Court Judges as provided in the Constitution of 1983; Art. VI; Sec. IX; Par. I.

Insofar as these rules may add to existing statutory provisions relating to the same subject matter, they shall be construed so as to implement the purposes of the Juvenile Court Code.

Amended effective December 31, 1992.

### **RULE 1.2. LOCAL OPERATING PROCEDURES**

Courts exercising jurisdiction over juveniles may adopt local operating procedures governing proceedings in the juvenile court if the procedures are not inconsistent with these rules, the Constitution or statutory law.

### **RULE 1.3. CERTIFICATION OF JUDICIAL OFFICERS**

(a) For the purposes of this rule, judicial officers shall include judges, associate judges and judges pro tem who are required to meet certification requirements. Each judicial officer exercising juvenile court jurisdiction shall become certified after participation each year in at least one seminar established by the Council of Juvenile Court Judges, in conjunction with the Institute of Continuing Judicial Education of Georgia. Any judge pro tempore who sits as juvenile court judge for at least thirty (30) days during a calendar year, in order to serve in the capacity in the following calendar year, must become certified by attending at least one seminar of the type described above. Superior court judges may meet this requirement by attending seminars held in conjunction with the seminars for superior court judges provided by the Institute of Continuing Judicial Education. Judicial officers shall not exercise juvenile court jurisdiction after January 1 of each year unless their Council certifies that annual training has been accomplished or unless the judicial officer is in the first year of his or her initial appointment.

The Council of Juvenile Court Judges shall certify the attendance of juvenile court judicial officers; the Council of Superior Court Judges shall certify the attendance of superior court judges who sit as juvenile court judges. Determination of certification will be based upon the completion of the requirements for certification set out in OCGA § 15-11-20. Each Council shall notify each judicial officer of that class of courts of his or her status relative to certification. Failure to provide written notification to the judicial officer shall not affect the judicial officer's authority to exercise jurisdiction. The period of certification shall begin on January 1 of the year following completion of the requirements and shall extend through December 31 of that same year. If, on January 1 of each year, certification has not been attained by a judicial officer, the appropriate Council of Judges may, in hardship cases only, grant an extension until the completion of the next seminar for the judicial officer to become certified.

(b) The Council of Juvenile Court Judges shall maintain an Education/Certification Committee whose Chair and Co-Chair shall be appointed by the President of the Council. The Education/Certification Committee shall determine judicial certification and grant or deny requests for an extension to meet certification requirements.

(c) The following procedure shall be followed when a judicial officer fails to meet the training requirements for certification required by this Rule and OCGA § 15-11-20.

1. Within twenty (20) days of the last day of the Fall Judges Conference, a judicial officer who will not meet the training requirements for annual certification shall make application, in writing, to the Chair of the Council of Juvenile Court Judges Education/Certification Committee. Said written application shall cite with particularity the deficiency, including the number of training hours completed (if any) and the number of training hours needed for certification in the applicable calendar year. Said written application shall include a short, concise statement as to the hardship giving rise to the applicant's failure to complete the training requirements for certification. The application shall also include a short, concise remedial plan for addressing the deficiency in the most expeditious method possible. In most instances, said plan shall be to attend the next offered Council seminar unless the circumstances provided for in OCGA § 15-11-20 (a) apply.

2. Within ten (10) days of receiving an application as referenced in Paragraph (c) (1) above, the Chair of the Council of Juvenile Court Judges Education/Certification Committee, or his/her designee, shall distribute a copy of said application to each member of the Committee.

3. Within thirty (30) days of distributing the application to Committee members, the Chair of the Education/Certification Committee, or his/her designee, shall convene a meeting of the Committee for the purpose of discussing and voting on the application. The decision of the Committee as to whether the application shall be denied, approved as submitted, or approved with modification, shall be by simple majority vote of those members present for the meeting, so long as a quorum of Committee members is present for the meeting.

4. In the discretion of the Committee Chair, or his/her designee, the meeting of the Education/Certification Committee required in Paragraph (c) (3), above, may be: (1) in person at

such place and time as set by the Chair or his/her designee, or (2) by telephone conference call, or (3) by electronic mail, provided, however, that the applicant may request to personally appear before the Committee, in which case the Committee shall meet in person.

5. Within two (2) business days after the decision of the Committee is made, the Chair of the Committee, or his/her designee, shall mail written notification to the applicant of the Committee's decision. Written notification shall also be provided to the Presiding Judge of the Juvenile Court in which the applicant sits and the Chief Superior Court Judge of the judicial circuit in which the applicant's court is located.

6. In the event the applicant is dissatisfied with the decision of the Education/Certification Committee, he/she shall have the right to file a request for a review of the decision by a committee composed of the Officers on the Executive Committee of the Council of Juvenile Court Judges within thirty (30) days of receipt of the decision of the Education/Certification Committee. The request shall be made to the President of the Council of Juvenile Court Judges, and may include additional written information that may be pertinent to the review. The Committee conducting the review shall consider the written decision of the Education/Certification Committee and any other information included in the request for review. The President of the Council shall notify the applicant, the Presiding Judge of the Juvenile Court and the Chief Judge of the Superior Court of the judicial circuit in which the applicant's office is located of the decision following the review.

Amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective March 21, 1991; December 31, 1992; August 16, 2001; amended effective October 25, 2007; January 28, 2010.

#### **RULE 1.4. JUDGES PRACTICING IN OTHER COURTS**

Attorneys who practice law and who are appointed or elected to serve as juvenile court judges shall not practice law in any juvenile court in the State of Georgia. This rule, however, shall not apply to custody cases in which the action was originally filed in superior court and is subsequently transferred by the judge thereof to the juvenile court pursuant to OCGA § 15-11-28 (c).

Rule authorized effective July 10, 1987 and required effective September 1, 1987; amended effective December 31, 1992; August 16, 2001.

#### **RULE 1.5. NEW JUDGE ORIENTATION TRAINING**

Each person serving as juvenile court judge or associate juvenile court judge shall attend a new judge orientation program established by the Council of Juvenile Court Judges (hereinafter referred to as the "Council") and presented in conjunction with the Institute of Continuing Judicial Education. The orientation program shall include a minimum of 16 hours of training in curriculum areas specified by the Council standing committee on education and certification.

New judges shall complete the training as soon as possible following their appointment, but in any event within two (2) years of becoming subject to the certification requirement provided in Rule 1.3. Any person serving as juvenile court judge or associate juvenile court judge prior to the effective date of this rule shall be exempt from its requirements. No judge pro tempore shall be required to attend the new judge orientation program except those who are subject to the certification requirement provided in Rule 1.3. The new judge orientation program shall be administered by the Council standing committee on education and certification in keeping with this rule and any additional guidelines established by such standing committee in order to implement the purposes of this rule.

Adopted effective March 16, 2006.

## **SECTION 2. OFFICERS OF THE COURT AND COURT PERSONNEL**

### **RULE 2.1. APPOINTMENTS BY THE JUDGE**

See OCGA §§ 15-11-24 and 15-11-24.3.

**(a) Appointment of Associate Judge.** See OCGA § 15-11-21.

**(b) Appointment of Judge Pro Tempore.** See OCGA § 15-11-23.

Amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective March 21, 1991; December 31, 1992; August 16, 2001.

### **RULE 2.2. CLERK OF THE COURT**

See OCGA § 15-11-24. The judge of juvenile court shall notify the executive director of the Council of Juvenile Court Judges of the name, address, and telephone number of the clerk of juvenile court within thirty (30) days of his or her appointment as clerk.

**(a) Duties.** The clerk of the court, or a person designated by the clerk, shall record all proceedings of the court, issue and sign summonses and subpoenas and maintain all records within the court system. Any and all subpoenas for records shall be addressed to the clerk of juvenile court. The clerk shall also receive and safely maintain all evidence brought to the court and properly dispose of same. The clerk shall prepare and transmit copies of court records to proper appellate courts upon notification that a case has been appealed. The clerk shall certify court documents or records when transmitted to other courts or agencies and insure proper recording and safekeeping of transcripts of hearings, including adjudicatory, probable cause, detention and transfer hearings. Upon transfer of a delinquent child to criminal court for prosecution as an adult under the provisions of OCGA § 15-11-30.2, the clerk of the juvenile court shall forward a copy of all court documents relating to the case to the office of the prosecuting attorney. The clerk shall also perform other duties as directed by the judge.

**(b) Deputy Clerks.** See OCGA § 15-11-24.

Amended effective March 21, 1991; December 31, 1992; August 16, 2001.

### **RULE 2.3. COURT REPORTERS**

The court reporter who is appointed by the judge shall attend all hearings as required by the judge, or at the request of any party, provided appropriate financial arrangements are made with said reporter in advance. The court reporter shall take down a verbatim record of the proceedings unless waived by the child and the child's parent, guardian or attorney. The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.

Amended effective August 16, 2001.

### **RULE 2.4. PROBATION OFFICERS**

The judge may appoint one or more probation officers whose powers and duties shall be as stated in OCGA § 15-11-24.2, or the judge may designate a court service worker of the Department of Juvenile Justice to perform the duties of a probation officer. Probation officers' salaries shall be fixed by the judge with the approval of the governing authority of the county or counties for which they are appointed unless a court service worker fills this position in which case compensation will be fixed by the State. Probation officers shall be given an appropriate oath of office.

A probation or non-judicial intake officer shall not conduct an accusatory proceeding against any child. For purposes of this rule, an accusatory proceeding is any hearing or court proceeding in which the child stands accused of violating the law or an order of the court and is subject to court sanctions as a result thereof. Probation or non-judicial intake officers shall not participate in such a proceeding either as the trier of facts or in a prosecutorial role, but may give testimony as to any violation of a valid order of probation or supervision of which he or she has personal knowledge.

Amendment authorized effective July 10, 1988 and required effective September 1, 1988; amended effective October 9, 1997; August 16, 2001.

### **RULE 2.5. INTAKE OFFICERS**

Officers assigned to conduct intake shall receive, screen and examine all properly executed complaints filed pursuant to Uniform Rule 4.1 concerning delinquent, unruly or deprived children who are received by the court. Said officers shall, by authority of the judge, informally adjust those cases which are appropriate for such action. The intake officer shall compile on a regular basis the case files or a report on those cases that were informally adjusted for review by the juvenile court judge. Intake officers shall only be court-employed intake or probation

officers, court service workers or other Department of Juvenile Justice staff designated by the judge or judges or associate judges exercising juvenile court jurisdiction.

Amended effective March 21, 1991; November 12, 1992; December 31, 1992; October 9, 1997.

## **RULE 2.6. LANGUAGE LINE SERVICE INTERPRETERS**

The Language Line Service is authorized for use in the juvenile courts whenever interpreting is needed in a juvenile proceeding, and such service is economically more feasible than the hiring of personal interpreters.

Adopted effective August 8, 1996; amended effective August 16, 2001.

## **RULE 2.7. TELEPHONE AND VIDEO CONFERENCING**

**2.7-1 Telephone Conferencing.** The trial court on its own motion or upon the request of any party may in its discretion conduct pre-trial or post-trial proceedings in civil actions by telephone conference with attorneys for all affected parties. The trial judge may specify:

- (A) The time and the person who will initiate the conference;
- (B) The party which is to incur the initial expense of the conference call, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and
- (C) Any other matter or requirement necessary to accomplish or facilitate the telephone conference.

### **2.7-2 Video-Conferencing.**

(A) At the discretion of the court, any Juvenile Court matters may be conducted by video-conference with the following exceptions:

1. Formal adjudicatory hearings on Petitions alleging the delinquency or unruliness of a child; and
2. Hearings alleging the violation of a juvenile court protective order which may result in the loss of liberty of the person alleging to have violated the protective order.

Notwithstanding any other provisions of this rule, a judge may order a party's personal appearance in court for any hearing. Furthermore, in civil matters transferred from the superior court to the juvenile court, the court may require compliance with Uniform Superior Court Rule 9.2.

(B) Confidential Attorney-Client Communication. Provision shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia law. In all delinquency, unruliness and traffic offense proceedings, the child and his or her attorney shall be provided with a private means of communications when in different locations.

(C) Witnesses. In any pending matter, a witness may testify via video-conference.

1. Any party desiring to call a witness by video-conference shall file a notice of intention to present testimony by video-conference.

a. For a proceeding that occurs prior to the filing of the petition, the notice shall be provided as soon as practicable before such proceeding.

b. For a ten-day adjudicatory hearing, notice shall be provided at least five (5) days prior to the hearing.

c. For a hearing regarding the termination of parental rights, notice shall be provided at least fifteen (15) days prior to the hearing.

d. For all other proceedings, notice shall be provided at least ten (10) days prior to the proceeding.

2. Any other party may file an objection to the testimony of a witness by video-conference within three (3) days of the filing of the notice of intention if the child is in detention or within five (5) days of the filing of the notice of intention otherwise. In a delinquency or unruliness matter, such objection by the child shall be sustained; however, such objection shall act as a motion for continuance and shall toll the applicable time limits; furthermore, no such continuance or tolling shall exceed ten (10) days from the date of the objection if the child is in detention or thirty (30) days from the date of the objection otherwise.

3. The court may modify these requirements upon a showing of good cause. The discretion to allow testimony via video-conference shall rest with the judge.

(D) Recording of Hearings. A record of any proceedings conducted by video-conference shall be made in the same manner as all such similar proceedings not conducted by video-conference. However, upon the consent of all parties, that portion of the proceedings conducted by video conference may be recorded by an audio-visual recording system and such recording shall be part of the record of the case and transmitted to courts of appeal as if part of a transcript.

(E) Technical Standards. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously;

2. All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceedings, either by video, facsimile, or other method;
3. Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications; and
4. If the proceeding is one from which the general public may not be excluded as provided by OCGA § 15-11-78 (b), the location from which the judge is presiding shall be accessible to the public to the same extent as such proceeding would if not conducted by video conference. In any such case, the court shall accommodate any request by interested parties to observe the entire proceeding.

Adopted effective July 15, 2004.

## **SECTION 3. COURT RECORDS**

### **RULE 3.1. COURT RECORDS**

The court shall make and keep records of all cases brought before it including cases dismissed, informally adjusted or adjudicated. Such records shall be preserved in accordance with records retention schedules established by the State Records Committee and approved by the Administrative Office of the Courts. The court shall make official minutes, which may be the case files, consisting of all petitions and orders filed in a case and any other pleadings, certificates, proofs of publication, summonses, notices, warrants and other writs which may be filed therein and shall make social records, consisting of records of investigation and treatment and other confidential information. All complaints, summonses, orders, notices and pleadings shall be filed with the clerk of juvenile court with the date and time received noted thereon by the clerk.

**(a) Making Records Available to the Council.** All records required to be made available to the Council pursuant to these Rules shall be kept in the manner set forth in the Guidelines for Maintaining a Juvenile Court Docket for the Council of Juvenile Court Judges (hereinafter referred to as the "Guidelines"). A current copy of the Guidelines shall be maintained in the Clerk's Office.

Amended effective November 12, 1992; November 28, 1996.

### **RULE 3.2. DOCKET**

Each juvenile court clerk shall keep a separate juvenile docket book. The juvenile court clerk shall use the uniform docket form JUV-16 and follow the instructions in the Guidelines for completing the docket form. The clerk shall make the docket book available for review by a representative of the Council of Juvenile Court Judges upon the Council's request. In lieu of maintaining a separate juvenile docket book, the clerk may furnish the Council, upon the

Council's request, with the same data as that on the uniform docket by means of computer tape or other electronic means in a record format approved by the Council of Juvenile Court Judges.

Former Rule 3.2 redesignated as new Rule 3.2(b) effective November 12, 1992; amended effective November 28, 1996.

### **RULE 3.3. REMOVAL OF PAPERS FROM CLERK'S OFFICE**

Attorneys, court reporters and other persons allowed to have access to official court records shall remove such records from the clerk's office only upon written order of the judge. Probation officers and intake staff may have access to official court records only under conditions prescribed by the judge under a general order.

### **RULE 3.4. INITIATION OF PROCEEDINGS FOR SEALING OF RECORDS**

See OCGA § 15-11-79.2. The court shall give reasonable notice of the hearing to:

1. Any court or agency to which any information or records have been disseminated; and
2. Any court to which a case or records have been transferred for supervision, disposition or otherwise.

Amended effective July 1, 1986; December 31, 1992; August 16, 2001; April 15, 2004.

### **RULE 3.5. HEARINGS**

See OCGA § 15-11-79.2. Copies of the order shall be sent to each agency or official therein named and the deputy director of the Georgia Crime Information Center. Sealed records shall be destroyed in accordance with approved court records retention schedules.

Amended effective December 31, 1992; October 5, 1998; August 16, 2001; April 17, 2003.

### **RULE 3.6. EFFECT**

Upon the entry of the order, the proceeding shall be treated as if it never occurred. All index references, including computer and micrographic records, shall be deleted and the person, the court, the law enforcement officers and departments shall properly reply that no record exists with respect to the person upon inquiry in any matter.

The records shall be sealed in an envelope which is identified on the outside by the applicant's social security number and the date of birth of the applicant. All references to the case outside of the sealed envelope shall be removed completely.

Amended effective October 5, 1998.

### **RULE 3.7. REOPENING OF SEALED RECORDS**

Inspection of sealed files and records may be permitted by an order of the court upon petition by the person who is the subject of the records and only by that person named in the order or to criminal justice officials upon petition to the court for official judicial enforcement or criminal justice purposes. After the record is reopened and the proceeding to reopen the record is terminated, the Court shall order that the record be resealed.

Amended effective October 5, 1998.

### **RULE 3.8. FORMS**

All courts shall use the forms prescribed by these rules. Use of the Complaint Form, JUV-2, shall be required. All other forms listed below shall be used as provided or in another form which is in substantial conformity with the one provided below:

1. Delinquent/Unruly Petition, JUV-3;
2. Standard Deprived Petition, JUV-4;
3. Motion for Extension of Order, JUV-6.
4. Summons and Process, JUV-7;
5. Subpoena, JUV-8;
6. Subpoena to Produce, JUV-9;
7. Notice of Transfer to Adult Criminal Court, JUV-10;
8. Application for Bond, JUV-11;
9. Affidavit and Warrant, JUV-12;
10. Order of Detention, JUV-13;
11. Adult Commitment Order, JUV-14;
12. Order of Commitment, JUV-15;
13. Juvenile Court Docket Sheet, JUV-16;
14. Informal Adjustment Agreement, JUV-17;
15. Parental Notification of Abortion Petition, JUV-18;
16. Order for Shelter Care, JUV-19;

17. Pre-Trial Juvenile Rights Form, JUV-20;
  18. Social History Face Sheet and Format, JUV-21;
  19. Motion for Access to a Juvenile Court Proceeding, JUV-22;
  20. Court Order in Response to a Motion for Access to a Juvenile Court Proceeding (granting motion), JUV-23;
  21. Court Order in Response to a Motion for Access to a Juvenile Court Proceeding (denying motion), JUV-24;
  22. Request to Install Recording And/Or Photographic Equipment Pursuant to Rules and Guidelines for Electronic and Photographic News Coverage of Juvenile Court Proceedings, JUV-25;
  23. Court Order in Response to a Request to Install Recording And/Or Photographic Equipment Pursuant to Rules and Guidelines for Electronic and Photographic News Coverage of Juvenile Court Proceedings (approval of motion), JUV-26;
  24. Court Order in Response to a Request to Install Recording And/Or Photographic Equipment Pursuant to Rules and Guidelines for Electronic and Photographic News Coverage of Juvenile Court Proceedings (denial of motion), JUV-27;
  25. Parental Notification Certificate: Hearing Not Held/More Than 24 Hours Elapsed, JUV-28;
  26. Parental Notification Certificate: Hearing Not Held/Failure to Appear/No Motion for Continuance, JUV-29;
  27. Parental Notification Certificate: Hearing Held/No Decision Rendered Within 24 Hours, JUV-30.
- (a) Form size. All prescribed forms, written reports, briefs, pleadings, and other documentary evidence used in the juvenile courts shall be on letter size paper, 8 1/2 " x 11" in size.
- (b) Style of Pleadings, Motions and Briefs. Any pleadings, motions or briefs not filed on the forms adopted herein shall be styled in the same manner and shall contain the same information as contained on the petition forms prescribed under these rules.
- (c) Maintenance of Prescribed Forms. It shall be incumbent upon the clerk of the juvenile court to order and maintain a supply of all forms prescribed by Rule 3.8. The forms shall be paid for out of county funds and purchased through a local vendor.

Amended effective July 1, 1986; amendment authorized effective July 10, 1987 and required effective September 1, 1987; amendment authorized effective July 10, 1988 and required

effective September 1, 1988; amended effective March 21, 1991; December 31, 1992; October 28, 1993; November 28, 1996; April 15, 2004.

### **RULE 3.9. SHARING OF COURT RECORDS AMONG JUVENILE COURTS**

There is established a statewide system for providing juvenile court legal case information on individuals to juvenile courts for the sole purpose of ensuring effective rehabilitation, disposition, supervision and treatment of juveniles. The Council of Juvenile Court Judges, through its presiding judge and executive director, shall ensure that information disseminated on individuals is used solely for these purposes. It is the express intent of the Council that individuals' prior juvenile court histories shall not be used for investigative purposes.

For purposes of this rule the term "legal case information" means information contained in petitions, complaints and allegations related to cases within the jurisdiction of the juvenile court. "Legal case information" shall also mean demographic data on the subject child or children in whose interest a complaint or petition has been filed.

The Council may receive legal case information from juvenile courts for the purpose of compiling and maintaining a statewide database on children referred to juvenile court. Juvenile courts shall submit through their clerks case information to the Council, in a timely fashion and in a manner and form prescribed by the Council of Juvenile Court Judges.

Upon request, the Council may provide data from any or all juvenile courts on a child's prior juvenile court cases to individual juvenile courts in which a complaint or petition has been filed. Such data shall only be used for the purposes of making intake and detention decisions and appropriate dispositions of current cases. Such statewide information shall only be:

Child's I.D. #  
Case #  
File #  
County #  
Child's Name and AKA's  
Child's Age, DOB, Sex, Race  
With Whom The Child Lives (parents, relatives, etc.)  
Child's Phone Number (residence and business)  
Child's Address  
Mother's Name  
Mother's Address (if different from child)  
Mother's Phone Number (residence and business)  
Father's Name  
Father's Address (if different from Child)  
Father's Phone Number (residence and business)  
Legal Custodian's Name (if different from parent)  
Legal Custodian's Address, Phone Number  
Complaint(s)

Complaint(s) Types  
Date Offense Committed  
Date Complaint Filed  
Referral Source  
Detained or Placed (location, date, time)  
If Released: Date, Time  
Date Petition Filed  
Complaint or Petition Amended  
Date of Adjudicatory Hearing  
Results of Adjudicatory Hearing; Offense and Type  
Disposition Date  
Disposition(s)  
Person Who Made Disposition  
Whether Case is Appealed  
Findings on Appeal

Such statewide information shall be requested from the Council only by officers of the court designated by the chief judge and approved by the Council's executive director. Each officer, thus approved, shall be given a unique identifier which shall be registered in a log kept by the Council and which must be used in requesting information. Officers of the court who may be approved to request such information are limited to the judge, the clerk of the court or employees of the clerk of court, a court-employed intake or probation officer, or a court service worker assigned to provide probation or intake services to the court. Unique identifiers shall be changed periodically and whenever designated court officers or employees of the Council authorized to release statewide information are terminated. Information from cases in which the child has been acquitted shall not be released to any court other than the reporting court. This shall also apply to an adjudicated offense overturned by an appeals court.

Legal case information transmitted to the court shall be filed with the clerk of the juvenile court, who shall be ordered to maintain a record of such information. Such information shall not be open to public inspection; but inspection of the record shall only be permitted to the judge, intake officer, probation officer, or court service worker assigned to the case. Dissemination of such information to unauthorized parties or use of such information for purposes other than authorized in this rule shall be grounds for termination of employment with the Council, user agency, or the court. Intentional dissemination or receipt of legal case information for purposes not authorized in this rule shall be punishable by the civil contempt power of the court.

When it appears to the Council that any court has not instituted sufficient procedural safeguards to ensure the privacy and security of juvenile court histories, the Council, through its presiding judge and executive director, shall not release any further information until that court demonstrates that adequate safeguards have been instituted.

After a child has been committed to the Department of Juvenile Justice, a copy of the legal case information of the person committed may be furnished to the agency receiving custody of the

person for the sole purpose of establishing treatment or rehabilitation plans. Such information shall remain confidential.

The Council may permit authorized representatives of recognized organizations compiling statistics for appropriate purposes to inspect and make abstracts from prior juvenile court histories under conditions to be determined by the Council. Statistical information thus released shall not include a child's name nor the names of the child's parents or legal custodian.

All juvenile prior histories shall be destroyed within six months after a child reaches age 25.

Amended effective December 31, 1992; October 9, 1997; August 16, 2001.

### **RULE 3.10. RECORDS OF CITIZEN REVIEW PANELS**

All findings, reports, documents, recommendations, and other records created for or by judicial citizen review panels constituted pursuant to OCGA § 15-11-58, other than records which are a part of a child's court record as defined in Rule 3.2, shall be maintained by the Court as judicial citizen review panel records. With respect to each child, these judicial citizen review panel records may be destroyed by the Court after two years have elapsed since the date of the most recent record pertaining to that child or after the child becomes 18 years of age, whichever occurs first.

Adopted effective December 31, 1992; amended effective August 16, 2001.

## **SECTION 4. COMMENCEMENT OF PROCEEDINGS**

### **RULE 4.1. RECEIPT OF COMPLAINT AND PETITION**

**(a) Initiation of Proceedings.** In all proceedings over which the juvenile court has jurisdiction, such proceedings shall be initiated in the juvenile court upon the receipt of a written juvenile complaint form, petition, transfer from another court, a uniform traffic citation, or a Georgia Natural Resources/Game and Fish Division Notice of Summons which shall be submitted to the court and shall be referred to an intake officer of the court.

**(b) Preliminary Determination as to Filing Petition.** The intake officer shall not have the authority to refuse to accept a complaint. However, the intake officer shall make a preliminary determination as to whether a petition shall be filed. If the allegations appear to be legally sufficient for the filing of a petition, and it further appears that judicial action is in the best interest of the public and the child within guidelines established by the court, the intake officer may endorse a petition. The intake officer may elect to informally adjust, divert, or recommend dismissing the case, within guidelines established by the court.

**(c) Filing of Complaints and Petitions.** All complaints or petitions shall be filed and docketed with the clerk of juvenile court. The clerk shall record the date and time of filing upon each and every copy of the complaint form.

**(d) Completion of Form JUV-2 Required.** The complaint alleging delinquency, deprivation, or unruliness may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes they are true. However, in all cases in which a proceeding is initiated by other than a complaint, the form JUV-2 shall be completed by the person bringing the action and shall accompany the initiating document. In all cases where a petition references a prior court order, a copy of such prior court order shall be attached to the petition. For uniform traffic citations and Georgia Natural Resources/Game and Fish Division Notice of Summonses, the form JUV-2 shall be completed by court personnel designated by the judge.

Amended effective July 1, 1986; amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective November 12, 1992; December 31, 1992; November 28, 1996; August 16, 2001.

## **RULE 4.2. SCREENING PROCESS**

Before a petition is filed, the intake officer shall screen the complaint. This may result in a decision to recommend dismissal to the judge or associate judge, to make a referral to another agency for services, if appropriate, to informally adjust the case, to file a petition, or to take other appropriate action. Factors involved in the process of screening the complaint shall include:

1. Whether the complaint is one over which the court has jurisdiction;
2. Whether the complaint is frivolous;
3. Whether the child should be detained pending a hearing and, if so, where he or she should be detained;
4. Whether the child's case can be informally adjusted;
5. Whether the child should be diverted to an agency that meets his or her needs; and
6. If a petition should be filed with the court.

Amended effective July 1, 1986; March 21, 1991.

## **RULE 4.3. INFORMAL ADJUSTMENT**

In cases where a child is alleged to have committed a delinquent act which is not of a serious nature, or has been alleged to have committed an unruly act, but appears to be amenable to informal handling, the intake officer may withhold the filing of a petition with a view toward first seeking an informal adjustment of the matter, where it is in the best interest of the child and the community. If, after the filing of a petition, it appears that informal adjustment best suits the

need of the child and the public, the judge may direct the withdrawal of the petition so the matter may proceed to informal adjustment.

**(a) Prerequisites.** In order for informal adjustment to occur:

1. The admitted facts must bring the child within the jurisdiction of the court.
2. It must be determined that counsel and advice without an adjudication would be in the best interest of the public and the child; and
3. The child and the child's parents, guardian, or other custodian must consent to the informal adjustment with knowledge that consent is not obligatory.
4. If the child is alleged to have committed a designated felony act as defined in OCGA § 15-11-63, the case shall not be subject to informal adjustment, counsel, or advice without the prior written notification of the district attorney or his or her authorized representative.

**(b) Informal Adjustment Alternatives.** After a conference with the child and the child's parents or guardian concerning the complaint, the intake officer may do any of the following:

1. *Counseling and adjustment.* If the intake officer feels that a satisfactory adjustment of the problem has been accomplished through counseling with the child and the child's parents at the informal hearing or conference and that there is no further need to see the child or the child's family, the informal adjustment may be considered complete.
2. *Counsel and advice.* Where there is an apparent need for follow-up services by the intake officer on a less formal basis than actual probation, the child shall be placed on counsel and advice for a period not to exceed three months from the day of the informal hearing or conference at which the counsel and advice was commenced. The court may extend the counsel and advice for a period not to exceed an additional three months. A child may not be detained during the period of counsel and advice unless otherwise permitted by law.
3. *Referral to counseling resource.* The child may be placed on counsel and advice pending successful completion of the recommended counseling.
4. The intake officer may style individualized agreements which are appropriate to the offense and circumstances. Such agreements may include, but are not limited to, letters of apology, book reports, essays, traffic school and volunteer work with a community service organization. The child should be placed on counsel and advice until the requirements of the disposition have been met. Failure to comply with such agreements may result in the filing of a petition on the complaint.

**(c) Disposition by Informal Adjustment.** After completion of informal adjustment, the court or its designee shall inform the clerk of court of the disposition of the case.

**(d) Notification of Judge.** The case files or a report of informally adjusted cases shall be sent by the intake officer or intake supervisor for review to the juvenile court judge on a regular basis.

**(e) Incriminating Statements.** See OCGA § 15-11-69 (c).

**(f) Informal Adjustment Agreement.** An informal adjustment agreement shall be prepared on each case adjusted by a court officer, and filed with the clerk of juvenile court by the officer adjusting the case. A copy of said agreement shall be furnished to the child and the child's attorney and/or legal guardian.

Amended effective July 1, 1986; December 31, 1992; October 9, 1997; August 16, 2001.

#### **RULE 4.4. DISMISSAL OF COMPLAINT**

A complaint may be dismissed by the judge, or by the associate judge if he or she presided over a detentional/arraignment hearing on the complaint, prior to the filing of the petition upon the recommendation of the intake officer, if the judge or associate judge feels that such dismissal is warranted and it is in the best interest of the child and community.

Amended effective July 1, 1986; March 21, 1991; August 16, 2001.

#### **RULE 4.5. MOTION FOR EXTENSION**

A motion for the court to extend its previous order pursuant to OCGA § 15-11-58(n), § 15-11-58.1 or § 15-11-70 shall be treated as a new proceeding in the court and shall be subject to the provisions of Rule 4.1 regarding the filing of a complaint form, JUV-2. The motion shall not be filed in the office of the clerk of juvenile court unless it is accompanied by a properly completed complaint form. The case shall be entered into the juvenile court docket and treated as any other new proceeding.

Adopted effective July 1, 1986; amended effective November 28, 1996; August 16, 2001; April 15, 2004.

#### **RULE 4.6. COMMENCEMENT OF PROCEEDING FOR CHILD ON AFTERCARE TO DEPARTMENT OF JUVENILE JUSTICE**

Aftercare is a nonjudicial administrative status granted to a child who is under an order of commitment to the Department of Juvenile Justice and has been released from confinement under the supervision of an employee of the Department. If such a child commits a new delinquent or an unruly offense, the case shall be handled by the juvenile court like any other complaint filed pursuant to the provisions of Sections 4 and 5 of the Uniform Rules for Juvenile Courts; provided, however, that the court officer handling the case may consult with the employee of the Department of Juvenile Justice for providing supervision of the child for input prior to making a disposition of the case. If a child who is on aftercare violates the conditions of

that aftercare and the violation does not constitute a delinquent or unruly offense, the child shall not be referred to the juvenile court for said violation. Violation of aftercare is not an offense and, therefore, is to be handled administratively by the Department of Juvenile Justice.

Rule authorized effective July 10, 1988 and required effective September 1, 1988; amended effective December 31, 1992; October 9, 1997.

#### **RULE 4.7. JUVENILE RIGHTS FORM**

After a case has been referred to the court prior to beginning the initial conference between a child and a non-judicial officer of the court at which the allegations of a delinquency or unruly complaint are discussed, an officer of the court shall fully explain the child's rights and fill out the Pre-trial Juvenile Rights Form JUV-20 with the child and parent. The judge or associate judge may use this form in lieu of another form or methodology in advising the child of his or her rights before proceeding with any hearing. The signed form shall be filed with the clerk of the court and made a part of the permanent file.

Rule authorized effective July 10, 1988 and required effective September 1, 1988; amended effective January 18, 1990; March 21, 1991; November 28, 1996; amended effective August 16, 2001.

### **SECTION 5. COMMENCEMENT OF FORMAL PROCEEDINGS**

#### **RULE 5.1. METHODS**

See OCGA § 15-11-35.

Amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective November 12, 1992; December 31, 1992; August 16, 2001

#### **RULE 5.2. TRANSFER OF CUSTODY AND SUPPORT QUESTIONS FROM SUPERIOR COURT**

Courts of record, in handling divorce, alimony, or habeas corpus cases involving the custody of a child or children, may transfer the question of the determination of custody and support to the juvenile court for investigation and report back to the superior court or for investigation and determination. If the referral is for investigation and determination, then the juvenile court shall proceed to handle the matter in the same manner as though the action originated under Article 1 of the Juvenile Proceedings Code, in compliance with the order of the superior court. At any time prior to the determination of such question, the juvenile court may transfer the jurisdiction of the question back to the referring superior court. Following the matter of an investigation and a report back, the juvenile court clerk shall send a copy of the report and record of the investigation to the referring superior court judge. Following the matter of an investigation and determination, the juvenile court clerk shall file the original order of the juvenile court, shall

make a certified copy thereof for filing with the clerk of superior court and shall also furnish a copy of the final order to the referring superior court judge.

**(a) Docketing the Transfer Order.** Upon receiving the order of transfer, the clerk shall docket said order and incorporate it as a part of the juvenile court record.

**(b) Assessment of Costs for Investigations in Custody and Support Matters.** The judge of the juvenile court may assess reasonable costs against the party or parties for conducting investigations in custody and support matters as referred by the Superior Court.

**(c) Filing of Complaint Form in Custody or Support Matters.** In all cases referred to the juvenile court by the Superior Court for investigation and report or determination, the clerk of superior court shall, within ten days of the date of the order, forward to the clerk of the juvenile court the order of transfer together with the superior court file or a certified copy thereof in its entirety. In modifications and habeas corpus cases, in addition to the foregoing, the form JUV-2 shall be completed by and filed by the plaintiff's attorney. Upon the receipt of the above stated documents, the juvenile court clerk shall file the transfer.

Amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective October 28, 1993; November 28, 1996.

### **RULE 5.3. INTRASTATE TRANSFER OF CASES AMONG JUVENILE COURTS**

Documents in all cases to be transferred between juvenile courts shall be prepared and forwarded only by the clerk of juvenile court of the transferring court and shall be forwarded to the clerk of juvenile court of the receiving court.

**(a) Pre-Adjudication Transfer of Non-Deprivation Cases.** If an in-state non-resident child as defined in OCGA § 15-11-30 (a) (2) is referred to the juvenile court for an offense for which that court would not normally commence formal proceedings, the court may transfer the matter to the juvenile court of the county of the child's residence. The clerk of the transferring court shall forward original citations and a copy of all police reports as well as certified copies of all legal documents which have been filed relating to the transferred case. If the child's county of residence changes again before the transfer order is received, the receiving court shall transfer jurisdiction to the new county of residence, and shall notify the original transferring court.

**(b) Post-Adjudication Transfer of Non-Deprivation Cases for Disposition.** If transfer is made pursuant to the provisions of OCGA § 15-11-30, the clerk of the transferring court shall forward a certified copy of all legal documents relating to the transferred case as well as any social or psychological information prepared by the transferring court or its agent within the twelve (12) months prior to the transfer including, but not limited to, social history reports, supervision summaries, psychological or psychiatric evaluations, and any record of restitution paid to or owed to the court. If the child's county of residence changes again before the transfer order is received, the receiving court shall transfer jurisdiction to the new county of residence, and shall notify the original transferring court.

**(c) Post-Disposition Transfer of Non-Deprivation Cases for Supervision.** In the event that the residence of a child changes while an order of probation is in effect, the court may order transfer of the supervision of that child to the juvenile court of the new county of residence. The receiving court shall docket the transfer pursuant to Rule 4.1 and shall enforce the conditions of probation contained in the original order and may make such other conditions as it sees fit pursuant to OCGA § 15-11-40. If the original order of probation requires the child to pay restitution and at the time of transfer that restitution has not been fully paid, the enforcement of that condition is also transferred to the juvenile court of the new county of residence which shall enforce it pursuant to OCGA § 15-11-66 (a) (5). The clerk of the transferring court shall forward a certified copy of all legal documents relating to the transferred case as well as any social or psychological information prepared by the transferring court or its agent within twelve (12) months prior to the transfer including, but not limited to, social history reports, supervision summaries, psychological or psychiatric evaluations, and any record of restitution paid to or owed to the court. If the child's county of residence changes again before the transfer order is received, the receiving court shall transfer supervision to the new county of residence, and shall notify the original transferring court.

**(d) Pre-Adjudication Transfer of Deprivation Cases.** In the event that a deprivation proceeding is brought in the county in which the child is present when it is commenced, the juvenile court may transfer the proceeding for the convenience of the parties and witnesses pursuant to OCGA § 15-11-29 to the county in which the child resides. If the proceeding is transferred, the clerk shall forward certified copies of all legal and social documents and records pertaining to the proceeding.

**(e) Post-Disposition Transfer of Deprivation Cases.** If transfer is made to the juvenile court of the residence of the parent or parents to whom reunification is directed pursuant to the provisions of OCGA § 15-11-30.5, the clerk of the transferring court shall forward certified copies of the transfer order, adjudication order, disposition order, case plan, and such other documents deemed necessary by the transferring court to the receiving court within 30 days of the filing of the transfer order.

Amendment authorized effective July 10, 1987 and required effective September 1, 1987; amended effective October 27, 1994; October 5, 1998; August 16, 2001.

#### **RULE 5.4. TRANSFER OF DELINQUENCY CASE FROM SUPERIOR COURT**

**(a) Prior to Indictment.** Whenever the prosecution of delinquency charges are to be lodged in the juvenile court by the district attorney pursuant to the discretion provided in OCGA § 15-11-28 (b) (2) (C), the district attorney shall commence the case in the juvenile court by filing with the clerk of the juvenile court a fully completed complaint form and a written memorandum of the district attorney's transfer of the case to the juvenile court.

**(b) After Indictment.** Whenever the prosecution of delinquency charges are to be lodged in the juvenile court by order of the superior court, the clerk of superior court shall within three (3) working days of the entry of the order, file with the clerk of the juvenile court certified copies of

the order of transfer, indictment, and all motions, orders and other pleadings and documents contained in the file. The clerk of the juvenile court shall cause a fully completed complaint form to be filed within 24 hours of receipt of the documents from the clerk of the superior court.

Adopted effective November 28, 1996; amended effective August 16, 2001.

## **SECTION 6. FILING OF PETITION**

### **RULE 6.1. WHEN MAY A PETITION BE FILED**

A petition may be filed only when the petition is in proper form and it has been properly endorsed by the court or a designee thereof.

### **RULE 6.2. DEFINITION OF FILING**

The filing of a petition shall consist of the act of presenting to the clerk of the juvenile court, or to a deputy clerk if authorized, a petition in proper form (verified and endorsed) which said clerk or deputy clerk shall accept and note thereon by rubber stamp, automatic date/time stamp or other means, the exact date and time of filing.

### **RULE 6.3. PRELIMINARY DETERMINATION**

A petition alleging delinquency, deprivation or unruliness of a child shall not be filed unless the court or its designee has determined and endorsed upon the petition that the filing of the petition is in the best interest of the public and the child.

### **RULE 6.4. STYLE OF THE PETITION**

The petition and all other documents in the proceeding shall be styled "In the interest of ..., a child," except upon appeal, in which event the anonymity of the child shall be preserved by appropriate use of the initials.

### **RULE 6.5. CONTENT OF PETITION**

See OCGA § 15-11-38.1.

### **RULE 6.6. AMENDMENT TO PETITION**

A petition may be amended at any time prior to adjudication, provided that the court shall grant the parties such additional time to prepare as may be required to ensure a full and fair hearing. Amendments shall be freely permitted in the interest of justice and the welfare of the child. When the amended petition constitutes or adds additional charges the petition shall be served in accordance with OCGA §§ 15-11-39 and 15-11-39.1. Where the child is detained amendments to the petition shall not delay the hearing more than ten (10) days beyond the time originally fixed for the hearing unless a continuance is requested by the child or the child's attorney.

## **RULE 6.7. WITHDRAWAL OF PETITION**

If it appears after a petition has been filed that an informal adjustment rather than an adjudication would be in the best interest of the child, petitioner may file a motion to withdraw the petition. The petition shall be withdrawn upon approval by the judge. Such approval does not result in a dismissal of the case, but only in the substitution of informal adjustment for a formal adjudication.

## **RULE 6.8. TIME LIMITATIONS**

If a child who is alleged to be delinquent or deprived is detained or placed in shelter care, a detention hearing shall be held within 72 hours from the moment the child is placed in detention or shelter care to determine whether detention or shelter care is required, provided that if the 72 hour time period expires on a Saturday, Sunday or legal holiday, the hearing shall be held on the next day which is not a Saturday, Sunday, or legal holiday. With respect to any child alleged to be unruly, the informal detention hearing shall be held promptly and not later than 72 hours. If a child is not detained and the case is to be further prosecuted other than by informal adjustment, a petition must be made and filed with the court within 30 days from the date of the child's release. If a child who is alleged to be delinquent or unruly is not released from detention, a petition must be made and filed within 72 hours of the detention hearing. If a child who is alleged to be deprived is not released from detention, a petition must be made and filed within five days of the detention hearing. After the petition has been filed, the court shall fix a time for a hearing thereon, which, if the child is in detention, shall not be later than ten (10) days after the filing of the petition. In the event the child is not in detention, the court shall fix a time for a hearing thereon which shall be not later than sixty (60) days from the date of the filing of the petition.

Any child who is the subject of a delinquency or unruly proceeding or any party in a deprivation or termination of parental rights proceeding may request a rehearing of an associate judge's findings and recommendations in said proceeding. A written request for a rehearing before the judge on an associate judge's findings and recommendations shall be made within five (5) days of the date of receiving notice of the findings and recommendations, unless the fifth day falls on a weekend or legal holiday, in which event the time shall be extended to the next working day.

## **RULE 6.9. RESPONSIVE PLEADINGS AND MOTIONS**

No answer to the petition or any other pleading need be filed by any child, parent or legal guardian. A party may file a written pleading or motion to the allegations of the petition before the hearing. Copies of such pleadings shall be made available to the other parties to the case.

## **SECTION 7. DISCOVERY AND MOTIONS**

### **RULE 7.1. WHEN DISCOVERY IS PERMITTED**

Discovery may be allowed in all cases where deprivation is alleged, or where the termination of parental rights is requested or in cases where matters of custody have been referred to the

juvenile court by a superior court. Any discovery so permitted shall be at the discretion of the judge to whom the case is assigned, and any such discovery allowed shall be made in conformance with Article V of the Civil Practice Act, OCGA §§ 9-11-26 through 9-11-37, except as modified by these rules. Discovery in any case in which delinquency is alleged shall be as provided by OCGA § 15-11-75.

Amended effective April 15, 2004.

## **RULE 7.2. HOW DISCOVERY MAY BE MADE**

Any request for discovery shall be made in writing and shall state with particularity the type of discovery requested.

1. If the request is for answers to written interrogatories, such request shall include the questions to be answered and include the name of the person or persons who are to respond to those interrogatories.
2. If the request is for the taking of a deposition, such request should name the person or persons who are to be deposed and their addresses, and such request should also include the subject matter areas which the deposition would embrace.
3. If the request is for admissions of a party to a proceeding, such request should include the exact admissions requested and the party to whom directed.
4. If the request is for production of documents, such request shall state the documents requested and the name of the individual from whom the documents are sought.
5. If the request is for physical or mental examination of a parent, guardian, custodian or child, such request shall state the name of the person or persons to be examined and the reason why such examination is necessary.

**(a) Rule Nisi.** All written requests for discovery shall include a Rule Nisi order setting down a time and place for a hearing for the entry of an order by the court as to the scope of discovery to be allowed and the time for the completion of such discovery.

**(b) Objections.** Any and all objections to any of the requests for discovery so made shall be made at such hearing or all objections are waived unless otherwise allowed by discretion of the court.

### **(c) Notice and Service.**

1. The written motion and notice of the hearing thereof shall be served not later than three (3) days, excluding weekends and holidays, before the time specified for the hearing, unless specifically ordered otherwise by the court on ex parte application for good cause shown. All requests for discovery shall be served as required by these rules upon all parties, including

parents, child or legal custodian and any other person to whom the court directs, or their legal counsel, if so represented.

2. If the child is alleged to be a deprived child, or the subject of an action to terminate parental rights, in which it is alleged that the child was the victim of conduct by the parent or guardian which is a violation of the criminal laws of this state, and such parent or guardian has been charged as a defendant with the commission of such offense against the child, a request for discovery made by or on behalf of such parent or guardian shall also be served upon the district attorney having jurisdiction over the criminal case against the parent or guardian. The district attorney shall have an opportunity to be heard prior to entry of an order allowing discovery.

Amended effective March 16, 2006.

### **RULE 7.3. TIME PERIODS**

Any request for discovery must be filed within forty-eight (48) hours of the filing of the petition where the child is in detention. Otherwise, the request must be filed within fifteen (15) days of the filing of the petition. The court may modify these requirements upon a showing of good cause for the lack of filing within these time periods.

Any such discovery permitted shall be completed within fifteen (15) days of the date of the order permitting such discovery where the child is in detention. In all other cases, such discovery shall be completed within thirty (30) days from the date of the order permitting such discovery. These time periods may be either extended or abbreviated at the discretion of the court for legal cause shown.

If the child is in detention and a request for discovery is made by any party, such request shall simultaneously act as request for a continuance as pertains to the time provisions of OCGA § 15-11-39 (a) regarding time period for adjudicatory hearings. The adjudicatory hearing shall then be reset to be heard within seven (7) days, excluding weekends and holidays, of the date that such discovery is ordered to be completed by the court.

Amended effective August 16, 2001.

### **RULE 7.4. HEARING ON THE MOTION**

At the hearing set to determine whether discovery is to be allowed, the court shall enter an order outlining the discovery to be allowed and time for completion of such discovery and setting the date for the adjudicatory hearing.

Any motions for orders to compel discovery, requests for sanctions or request for expenses as a result thereof, shall be made to the judge issuing the original order allowing discovery. Any such motion shall be made prior to the adjudicatory hearing and in conformance with the procedures set out herein for filing motions.

## **RULE 7.5. PRETRIAL PROCEDURE**

Upon the motion of any party, or upon its own motion, the court shall direct the attorneys for the parties to appear before it for a conference to consider:

1. The simplification of the issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
4. The limitation of the number of expert witnesses; and
5. Such other matters as may aid in the disposition of the action.

The court shall make an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues for trial to those not disposed of by admissions or agreements of counsel. The order, when entered, controls the subsequent course of the action unless modified at the trial to prevent manifest injustice.

## **RULE 7.6. RESPONSIVE PLEADINGS**

Responsive pleadings in all proceedings before the juvenile court are permissible and encouraged. However, they are not mandatory. If filed, such responsive pleadings must be in writing and served upon all parties. Responsive pleadings may be filed any time prior to the adjudicatory hearing.

## **RULE 7.7. CONTINUANCES**

Except as provided for in Rules 7.3 and 8.6, any request for continuance shall be made in conformance with OCGA § 9-10-150 et seq. through or on stipulation of counsel alone. Permission of the court is required for all continuances.

## **RULE 7.8. FILING**

All pleadings made pursuant to any proceeding of the juvenile court shall be filed with the clerk of juvenile court and stamped with the date and time of filing along with a certificate of service showing to whom copies have been served.

## **RULE 7.9. OTHER MOTIONS**

All other pretrial motions must be made in writing and filed not later than three (3) days, excluding weekends and holidays, before the adjudicatory hearing unless otherwise permitted by the court. If any such motions necessitate an evidentiary hearing, the procedures in Rule 7.2(c) concerning notice and service must be followed.

Amended effective April 15, 2004.

## **SECTION 8. DETENTION HEARING**

### **RULE 8.1. PURPOSE**

The purposes of the detention hearing are to determine whether a child who has been taken into custody shall be released or detained pending further court proceedings, and if reasonable grounds exist to believe that the allegations in the complaint or petition are true. The detention hearing shall be informal and hearsay may be allowed.

Amended effective October 28, 1993.

### **RULE 8.2. NOTICE**

The person taking a child into custody shall promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian or other custodian and to the court. Any temporary detention or questioning of the child necessary to comply with this rule shall conform to the procedures and conditions prescribed by the Juvenile Proceedings Code and guidelines of the court.

### **RULE 8.3. COMMENCEMENT OF HEARING**

Prior to the commencement of the detention hearing the court shall inform the parties of their right to counsel and their right to have counsel appointed by the court if they are indigent. The child shall also be informed of his or her right to remain silent with respect to any allegation of delinquent or unruly conduct.

Amended effective August 16, 2001.

### **RULE 8.4. CONDITIONAL RELEASE**

If a child is released from detention without bond pending further hearings on the charges, the court may specify certain conditions of release (e.g., curfews, school attendance).

### **RULE 8.5. VIOLATION OF CONDITIONS**

If a court officer finds that the child has violated his or her conditional release from detention, the officer may take the child into custody and return the child to detention. If the child is detained, the officer shall file a complaint stating what the child did to violate the conditional

release and give a copy of the complaint to the intake worker at the detention center. Said child is entitled to a hearing on whether the child has violated the conditions of release.

Amended effective August 16, 2001.

## **RULE 8.6. CONTINUANCE**

On the motion of the court or that of a party, the court may continue a detention hearing for a reasonable period to receive reports and other evidence bearing on the need to detain the child. In this event, the court shall make an appropriate order for detention of the child or release of the child from detention subject to supervision of the court during the period of continuance.

In scheduling investigations and hearings, the court shall give priority to proceedings in which a child is in detention or has otherwise been removed from home before an order of disposition has been made. A request for continuation by a party or a party's counsel beyond these limits shall be considered as a waiver of the right to a hearing within the appropriate time limits.

Amended effective August 16, 2001.

## **SECTION 9. BOND HEARING**

### **RULE 9.1. APPLICATION**

If a child is placed in detention pending a hearing, the child's parents or legal guardian may make application for bond by filing a written request with the clerk of the court, who shall schedule a hearing in the event one is needed.

Amended effective August 16, 2001.

### **RULE 9.2. HEARING**

The judge, associate judge, or authorized officer of the court shall determine if the circumstances permit the child's release from detention as well as the amount of the bond. All children subject to the jurisdiction of the juvenile court and alleged to be delinquent or unruly, on application of the parent or guardian, shall have the same right to bail as adults and the judge shall admit to bail all children under his or her jurisdiction in the same manner and under the same circumstances and procedures as are applicable to adults accused of the commission of crimes.

Amended effective March 21, 1991; August 16, 2001.

## **SECTION 10. ARRAIGNMENT HEARING**

### **RULE 10.1. NATURE AND PURPOSE**

The arraignment hearing is an optional formal hearing which may be conducted in conjunction with the detention hearing or in a separate hearing. The purpose of the arraignment hearing is to formally advise the child of his or her rights to counsel, to remain silent and to a hearing before the judge; to advise the child of the allegations as they are stated in the petition; and to offer the child an opportunity to enter an admission or a denial to the charges.

Amended effective August 16, 2001.

### **RULE 10.2. NOTICE**

On appearance at the detention hearing, a party may waive service of summons to allow the judge, associate judge, or authorized officer of the court to proceed with the arraignment hearing in conjunction with the detention hearing.

Amended effective March 21, 1991.

### **RULE 10.3. WAIVER**

Counsel for a child, or the child's parent (if their interests are not in conflict) may waive in writing the formal arraignment hearing and proceed to an adjudicatory hearing on the merits of the petition or may enter an admission to the charges and proceed to a dispositional hearing.

### **RULE 10.4. PLEAS**

**(a) Admissions.** If the child admits the allegations, the judge, associate judge or authorized officer of the court shall then hear information as to the particulars of the act and determine whether the admission is accepted by the court.

The child shall sign a waiver of his or her right to a contested hearing on the merits of the petition. The matter may be disposed of at that time, or it may be scheduled for a dispositional hearing at a later time.

**(b) Denials.** If the allegations of the petition are denied by the child, the case shall be scheduled for an adjudicatory hearing on the merits of the petition.

Amended effective March 21, 1991; August 16, 2001.

## **SECTION 11. ADJUDICATORY HEARING**

### **RULE 11.1. NATURE AND PURPOSE**

The purpose of the adjudicatory hearing is to determine if the allegations contained in the petition are true.

### **RULE 11.2. DISMISSAL**

In matters involving delinquency and/or unruliness, if the court finds that the petitioner has not met the burden of proof, it shall dismiss the proceeding, discharge the child from detention or other restrictions previously ordered by the court and enter an order of acquittal. In matters involving deprivation or termination of parental rights, the court shall dismiss the petition, with findings of fact and conclusions of law, if the evidence fails to sustain the allegations by clear and convincing evidence.

Former Rule 11.4 renumbered as new Rule 11.2 effective December 31, 1992.

### **RULE 11.3. CONTINUANCE**

On the motion of the court or that of a party, the court may continue a hearing for a reasonable time upon good cause shown. However, in cases involving allegations of deprivation the granting of continuances beyond the statutory limitations as defined in OCGA § 15-11-39 (a) shall be by written order and the specific reason for the continuance must be stated therein.

Former Rule 11.5 amended effective July 1, 1986; renumbered as new Rule 11.3 effective December 31, 1992; amended effective August 16, 2001.

### **RULE 11.4. SOCIAL HISTORY**

The social history of the child shall not be presented to the judge until after said child is adjudicated to have committed the delinquent or unruly act.

Former Rule 11.7 renumbered as new Rule 11.4 effective December 31, 1992.

## **SECTION 12. DISPOSITIONAL HEARING; CONTINUANCE**

### **RULE 12.1. CONTINUANCE**

See OCGA § 15-11-56(b) and § 15-11-65(c).

Former Rule 12.3 renumbered as new Rule 12.1 and amended effective December 31, 1992; amended effective August 16, 2001; April 15, 2004.

## **SECTION 13. JUVENILE TRAFFIC OFFENSES**

See OCGA § 15-11-73.

Forfeiture of cash bonds will not be accepted as disposition of a case which the Department of Public Safety considers a serious traffic offense as defined in OCGA § 40-5-54 or § 40-5-70 or where an accident is involved, except for out-of-state residents and, by judicial discretion, for those in-state residents for whom return to the court would present a hardship for the child and parent.

Amended effective December 31, 1992; August 16, 2001.

## **SECTION 14. COURT OF INQUIRY**

See OCGA § 15-11-4.

Amended effective December 31, 1992; August 16, 2001.

## **SECTION 15. LIMITATIONS OF TIME ON ORDERS OF DISPOSITION**

### **RULE 15.1. TERMINATION OF PARENTAL RIGHTS**

See OCGA § 15-11-93.

Amended effective December 31, 1992; August 16, 2001.

### **RULE 15.2. OTHER ORDERS OF DISPOSITION**

Any other order of disposition in a proceeding including delinquency, unruliness and deprivation, except in an order involving the appointment of a guardian of the person or property of a child, continues in force for not more than two years. Provided, however, that an order placing a deprived child in foster care under the supervision of the Department of Human Resources shall continue in force for 12 months after the date the child is considered to have entered foster care or until the court sooner terminates its order. A child is considered to have entered foster care on the date of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is 60 days after the date on which the child is removed from the home, whichever is earlier. The court may sooner terminate its order or extend its duration for further periods as provided by OCGA §§ 15-11-58 and 15-11-70.

Former Rule 15.3 renumbered as new Rule 15.2 effective December 31, 1992; amended effective November 28, 1996; October 5, 1998; August 16, 2001.

### **RULE 15.3. TERMINATION OF ORDER**

Except as provided in OCGA § 15-11-70, the court may terminate an order of disposition or extension prior to its expiration, on or without an application of a party, if it appears to the court that the purposes of the order have been accomplished.

Except as otherwise provided by law, when the child reaches 21 years of age, all orders affecting the child then in force terminate and the child is discharged from future obligation or control.

Former Rule 15.4 renumbered as new Rule 15.3 and amended effective December 31, 1992; amended effective August 16, 2001.

### **RULE 15.4. EARLY TERMINATION OF PROBATION**

The probation officer, with the approval of the probation supervisor, may submit a request for early termination of probation to the judge asking that a child be released early from probation. The recommendation should include a history of the child's involvement with the court, an account of the child's conduct and progress during probation and the reason for making the request. If the early termination is approved by the judge, the probation officer shall notify the child and his or her parents.

Former Rule 15.4(a) redesignated as new Rule 15.4 effective December 31, 1992; amended effective August 16, 2001.

## **SECTION 16. MODIFICATION OR VACATION OF ORDER**

### **RULE 16.1. GROUNDS FOR MODIFICATION OR VACATION OF ORDER**

See OCGA § 15-11-40.

Amended effective December 31, 1992; August 16, 2001.

### **RULE 16.2. MODIFICATION OF PROBATION RULES**

A probation officer may submit a request to the judge that a condition of a child's probation be changed if that rule of probation has become inappropriate to the child's situation. The parent and child shall be notified of the proposed modifications and be given an opportunity to appear and object thereto or may agree in writing to the proposed changes and waive objections. Upon the written approval of the change by the judge, the child and his or her parents shall be served with a copy of the modification order.

Amended effective August 16, 2001.

### **RULE 16.3. PETITION FOR MODIFICATION OR VACATION**

See OCGA § 15-11-40 (c).

Amended effective December 31, 1992; August 16, 2001.

### **RULE 16.4. HEARING**

See OCGA § 15-11-40 (d).

Amended effective December 31, 1992; August 16, 2001.

## **SECTION 17. ENTRY OF JUDGMENT**

### **RULE 17.1. SIGNING**

Except when otherwise specifically provided by statute, all judgments shall be signed by the judge and filed with the clerk, and, for purposes of appeal, shall not be considered as entry of judgment until stamped as filed by the clerk.

## **SECTION 18. CONTEMPT ORDERS**

### **RULE 18.1. CONTEMPT OF COURT**

See OCGA § 15-11-5.

Amended effective March 21, 1991; December 31, 1992; August 16, 2001.

### **RULE 18.2. RULE NISI**

Upon the filing of a petition alleging that a party has willfully and intentionally failed to abide by an order of the court, or on the court's own motion, the court shall issue a show cause order, or rule nisi, commanding the party to appear before the court at a designated time to show cause why said party should not be held in contempt of court.

## **SECTION 19. APPEALS; SUPERSEDEAS**

### **RULE 19.1. APPEALS AND SUPERSEDEAS**

See OCGA § 15-11-3.

Amended effective December 31, 1992; August 16, 2001.

### **RULE 19.2. APPEALS FROM ASSOCIATE JUDGE'S DECISION**

A rehearing of an associate judge's order under OCGA § 15-11-21 (e) will be by a review by the juvenile court judge of the pleadings, recorded, electronic, or written transcript and evidence of the original proceeding to be obtained at the request and expense of the party appealing said ruling of the associate judge. The standard of proof for such review shall be the same as for the original case.

Adopted effective July 1, 1986; amended effective March 21, 1991; October 5, 1998; August 16, 2001.

## **SECTION 20. PHYSICAL AND MENTAL EXAMINATIONS**

### **RULE 20.1. BY COURT ORDER**

See OCGA § 15-11-12 (b).

Amended effective December 31, 1992; August 16, 2001.

### **RULE 20.2. COSTS**

See OCGA § 15-11-8 (a) (1) and Rule 21.

Amended effective December 31, 1992; August 16, 2001.

### **RULE 20.3. DISPOSITION OF MENTALLY ILL OR MENTALLY RETARDED CHILD**

See OCGA § 15-11-149 et seq.

Amended effective December 31, 1992; August 16, 2001.

## **SECTION 21. COURT COSTS**

### **RULE 21.1. CARE OF CHILD**

See OCGA §§ 15-11-8, 15-11-71 and 24-9-100 et seq.

Amended effective December 31, 1992; August 16, 2001.

### **RULE 21.2. APPEALS**

Appellant shall pay all costs for transcribing the recording of a case on appeal. However, upon filing of a pauper's affidavit with the clerk and showing to the court that the appellant is unable without undue financial hardship to pay the cost of transcribing the record, the court shall authorize payment of such costs from county funds.

## **SECTION 22. UNIFORM RULES COMMITTEE**

### **RULE 22.1. CREATION AND DUTIES**

There shall be a standing committee of the Council of Juvenile Court Judges designated as the Uniform Rules Committee. The membership of said committee and the chairperson thereof shall be appointed by the president of the Council of Juvenile Court Judges on an annual basis, and such members may be reappointed in the discretion of the president.

The duties of this standing committee shall be to propose for the Council's vote, after study, any amendments to the uniform rules which may be desirable or which may become necessary as a result of legislative changes in statutory law, to be submitted to the Supreme Court as provided by law.

These rules and any amendments to these rules shall be published in the advance sheets to the Georgia Reports. Unless otherwise provided, the effective date of any amendment to these rules is the date of publication in the advance sheets to the Georgia Reports.

See Section XVII of the Rules of the Supreme Court of Georgia.

Amended effective June 7, 1990; August 16, 2001.

## **SECTION 23. PARENTAL NOTIFICATION OF ABORTION**

### **RULE 23.1. STYLE OF THE CASE**

The petition and all other documents in a proceeding under Article 3, Chapter 11, Title 15 of the Official Code of Georgia shall be as provided for in Rule 6.4 relating to cases under appeal.

Adopted effective July 1, 1987.

### **RULE 23.2. APPOINTMENT OF GUARDIAN AD LITEM**

Whenever an unemancipated minor petitions the court for relief under Article 3, Chapter 11, Title 15 of the Official Code of Georgia, the court shall appoint a guardian ad litem to protect the interests of the unemancipated minor.

Adopted effective July 1, 1987; amended effective December 31, 1992.

### **RULE 23.3. RELATION TO OTHER UNIFORM RULES**

All rules in conflict with the provisions of Article 3, Chapter 11, Title 15 of the Official Code of

Georgia are subrogated to the provisions of that article for the purpose of implementing the intent of the article.

Adopted effective July 1, 1987.

#### **RULE 23.4. HEARING CONDUCTED BY JUDGE**

In order to insure the expeditious disposition of the procedures, the hearing provided for in OCGA § 15-11-113 shall be conducted by a judge in all instances.

Adopted effective July 1, 1987.

#### **RULE 23.5. NOTIFICATION OF HEARING**

The unemancipated minor, her attorney or next friend shall be notified of the date, time, and place of the hearing in proceedings under this article at the time of the filing of the petition. The hearing shall be held within three days of the date of filing, excluding Saturdays, Sundays, and holidays. Upon filing the petition, the clerk shall provide a certified copy thereof to the unemancipated minor, her attorney or next friend with the date, time, and place of the hearing recorded thereon.

Adopted effective July 1, 1987; amended effective November 12, 1992; December 31, 1992.

#### **RULE 23.6. COURT ORDER**

Upon conclusion of the hearing to be held pursuant to OCGA § 15-11-113, the court shall issue a written order stating specific factual findings and legal conclusions supporting its decision. The order shall be styled in the same manner as the petition and shall contain a physical description of the unemancipated minor for purposes of identifying the unemancipated minor to the physician who is asked to perform the abortion. The court shall prepare a certified copy of the order which shall be furnished only to the unemancipated minor, her attorney or next friend within 24 hours of the hearing. In the event that no hearing is held or more than 24 hours have elapsed since the time of the hearing and the court has not entered an order, the unemancipated minor may request the Clerk of Court to issue a certificate indicating such.

Adopted effective July 1, 1987; amended effective July 1, 1988; November 12, 1992; December 31, 1992.

#### **RULE 23.7. RECORD AND TRANSCRIPT**

The name of the unemancipated minor shall not appear in any public record, including the transcript of the hearing provided for in Rule 23.4. Should reference be made to the

unemancipated minor, the clerk shall obliterate or render illegible the name and substitute initials.

Adopted effective July 1, 1987; amended effective December 31, 1992.

#### **RULE 23.8. DISCLOSURE OF INFORMATION GENERALLY**

The court shall not disclose any information concerning a case arising under Article 3, Chapter 11, Title 15 of the Official Code of Georgia, or permit access to any such file except to the unemancipated minor who is the subject of the proceeding, the next friend, or the unemancipated minor's attorney.

Adopted effective July 1, 1988; amended effective December 31, 1992.

#### **RULE 23.9. DISCLOSURE OF INFORMATION ON APPEAL**

In the event of an expedited appeal as provided for in OCGA § 15-11-114(e), the juvenile court shall insure complete anonymity of the unemancipated minor by using her initials only to identify her in the complete record sent to the appellate court and shall not disclose her name, address, birth date or social security number in any part of the record.

Adopted effective July 1, 1988; amended effective December 31, 1992.

### **SECTION 24. JUDICIAL CITIZEN REVIEW FOR CHILDREN IN FOSTER CARE**

#### **RULE 24.1. CASE REVIEW OF CHILDREN IN FOSTER CARE; GENERALLY**

All cases of children in foster care in the custody of the Division of Family and Children Services of the Department of Human Resources (hereinafter referred to as "DFCS") shall be initially reviewed within ninety (90) days of the entering of the dispositional order but no later than six (6) months following the child's placement in temporary foster care. Such review shall be conducted by the juvenile court judge, or a properly designated associate judge or judge pro tempore, or by judicial citizen review panels established by the court. After the initial review, each case shall be reviewed at least every six (6) months.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.2. CREATION OF JUDICIAL CITIZEN REVIEW PANELS**

A chief judge of a juvenile court or a chief superior court judge in a county where a superior court judge has juvenile court jurisdiction may elect to create judicial citizen review panels. If a judge elects to create judicial citizen review panels, he or she shall file a statement of intent with the Council of Juvenile Court Judges (hereinafter referred to as the "Council"). The Council shall then determine if there are adequate staff and resources available for the creation and operation of a judicial citizen review panel program and shall notify the court in writing of its

determination within a reasonable time from receiving the statement of intent. If the Council determines that there are adequate resources to establish judicial citizen review panels, the Council shall notify the court in writing of this, and such written notice shall serve as the formal creation of a judicial citizen review panel program. Such panels shall be conducted in the manner set forth in OCGA § 15-11-58 and shall employ the standards and procedures as mandated by such statute, these rules, and program guidelines approved by the Council standing committee on permanency planning (hereinafter referred to as "Program Guidelines"). Only those courts which agree to operate under such terms and conditions shall be deemed to be in compliance with OCGA § 15-11-58.

Adopted effective July 1, 1991; amended effective October 28, 1993; October 5, 1998; August 16, 2001.

#### **RULE 24.3. PROGRAM GUIDELINES**

A current copy of the Program Guidelines shall be maintained in the clerk's office of every court that has a judicial citizen review panel program in place and shall be available for review upon request during the court's normal business hours.

Adopted effective July 1, 1991; amended effective October 5, 1998; August 16, 2001.

#### **RULE 24.4. APPOINTMENTS; TERM OF SERVICE; VACANCIES; AND REMOVAL FROM OFFICE**

**(a) Appointments.** The judge shall screen, select and appoint individuals to serve on local judicial citizen review panels. The judge shall seek to select persons who represent a cross-section of the community with respect to race, economic status, gender, and ethnic background. Any person employed by DFCS, any juvenile court except for the person designated by the judge as the local program coordinator, or any person who serves as a legal guardian or custodian of a child in temporary foster care shall not be eligible to serve on any local judicial citizen review panels; provided, however, that any person serving as a member of a local judicial citizen review panel on July 1, 1991, who would be ineligible to serve under these rules may continue to do so until the judge appoints a qualified replacement.

**(b) Term of Service.** Judicial citizen review panel members shall serve at the pleasure of the judge for a term of one (1) year. The panel member may continue to serve as long as the panel member meets the requirements of the Program Guidelines.

**(c) Vacancies.** In the event that a vacancy arises, the judge shall appoint a qualified individual to serve the remainder of the unexpired term.

**(d) Removal from Office.** The judge may remove a panel member for: (1) failure to meet the certification requirements as provided in the Program Guidelines; (2) displaying any behavior

which hinders the overall effectiveness of the panel; (3) violating the oath of confidentiality; or (4) conviction of a crime involving moral turpitude.

Adopted effective July 1, 1991; amended effective October 5, 1998; August 16, 2001.

#### **RULE 24.5. TRAINING AND CERTIFICATION**

Before any person may serve on a judicial citizen review panel, they shall successfully complete an initial training course provided by professional staff employed by the Council. Each year thereafter, judicial citizen review panel members are required to complete additional training as prescribed by the Program Guidelines. Council staff shall certify completion of the required training to the court and the Council standing committee on permanency planning.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.6. PANEL COMPOSITION; QUORUM; AND EMERGENCY SUBSTITUTION PROCEDURE**

**(a) Panel Composition.** Each citizen review panel shall be set up in accordance with the Program Guidelines.

**(b) Quorum.** A quorum shall be as defined in the Program Guidelines.

**(c) Emergency Substitution Procedure.** Emergency substitution procedures shall be handled as provided in the Program Guidelines.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.7. DUTIES OF THE JUDICIAL CITIZEN REVIEW PANELS**

Each judicial citizen review panel participating in foster care reviews shall submit findings and recommendations to the court which, at a minimum, shall address the following issues:

1. The necessity and appropriateness of the current placement;
2. Whether reasonable efforts have been made to obtain permanency for the child;
3. The degree of compliance with the specific goals and action steps set out in the case plan;
4. Whether any progress has been made in improving the conditions that caused the child's removal from the home; and
5. Any specific changes that need to be made in the case plan, including a change in the permanency goal and the projected date when permanency for the child is likely to be achieved.

Judicial citizen review panels, if designated by the court, may assist DFCS, in a consultant-like capacity, in the preparation of the initial thirty (30) day case plan. Such assistance shall be provided during a face-to-face meeting between the primary caseworker, the parents and child(ren) when available, and members of the judicial citizen review panel.

Judicial citizen review panels may also perform such other duties and functions as provided by law.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.8. CONFIDENTIALITY OF PROCEEDINGS**

All information discussed during a judicial citizen review panel review related to the cases reviewed shall remain confidential. The release of any case-related information must first be approved by the court.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.9. CONFLICT OF INTEREST**

Whenever a judicial citizen review panel member has a potential conflict of interest in a case being reviewed, the panel member shall advise the other panel members and persons present of the potential conflict prior to participating in the case review. If any party to the case believes that the potential conflict may prevent the panel member from fairly and objectively reviewing the case, such panel member shall be excused from participating in the review. The potential conflict of interest shall be duly recorded in the panel's findings and recommendations.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.10. NOTICE OF CASE REVIEWS**

The local DFCS office shall furnish the local program coordinator with a master calendar of foster care cases to be reviewed on a quarterly basis and a list of individuals to be invited to each review at least twenty (20) working days prior to the date of the scheduled review. Advance written notice shall be provided to all interested parties in a uniform manner as set forth in the Program Guidelines.

Adopted effective March 21, 1991; amended effective October 5, 1998.

#### **RULE 24.11. WORKLOAD OF THE PANELS**

The workload of the panels at any given time may not exceed the maximum or fall below the minimum number set forth in the Program Guidelines.

Adopted effective March 21, 1991; amended effective October 1, 1998.

## **RULE 24.12. ACCESS TO CASE INFORMATION; TIME FRAMES**

**(a) Access to Case Information.** Each judicial citizen review panel, each juvenile court, and Council staff shall have access to all records and information of the court and the local DFCS office that is pertinent to the case being reviewed.

**(b) Time Frames.** DFCS shall submit progress reports and updated case information to the local program coordinator at least five (5) working days before the date of the judicial citizen review panel review. Any supplemental information requested by the judicial citizen review panels from the local DFCS office must be submitted within five (5) working days from the date the request is received. All other information requested by judicial citizen review panels from other individuals and agencies shall be submitted within the time frames set forth in the Program Guidelines.

Adopted effective March 21, 1991; amended effective October 5, 1998; August 16, 2001.

## **RULE 24.13. PANEL REVIEWS**

**(a) Case Review.** A judicial citizen review panel may elect to hear from any person who formally requests to be heard during a foster care case review, as long as such person has specific knowledge of the case and can assist the panel in the review process. Parents and children may be accompanied to the review by a representative of their choice and such representative may be permitted to provide information.

**(b) Presence of the Child.** In the case where a child is present, any panel member may request of the chairperson that the panel members, Council staff, and other persons meet privately with the child if it is determined that this would facilitate the child's ability to communicate with the panel members.

**(c) Persons Who Shall Receive Notice of Reviews.** The following persons shall be given written notice of the judicial citizen review panel reviews: the parents, the child, Council staff, DFCS staff, any preadoptive parent or relative providing care for the child, and foster parents.

**(d) Persons Who May Participate in Reviews.** The following persons may participate in judicial citizen review panel reviews at the invitation of the panel: family members of the child, legal counsel retained by the parent(s) or appointed by the court for the child, and professionals and other citizens having specific knowledge of the case or special expertise which would benefit the panel review process.

**(e) Exclusion From the Review.** The panel chairperson may remove any person from any review on his or her initiative or at the request of any participant if the panel chairperson determines that such removal is necessary for an orderly and thorough review of the case.

**(f) Oath of Confidentiality.** Prior to participating in a judicial citizen review panel review, each person shall affirm by oath that he or she shall keep confidential all information disclosed during

the panel review and any information related to the case and that such information may be disclosed only when authorized by law. In the event that any person violates the oath of confidentiality, such person shall be subject to the contempt powers of the court as provided by law.

Adopted effective July 1, 1991; amended effective December 31, 1992; October 5, 1998.

#### **RULE 24.14. PLACEMENT AGENCY ATTENDANCE**

Unless excused from doing so by the judicial citizen review panel, DFCS and any other agency directly responsible for the placement, care, and custody of the child whose case is under review shall require the presence of the employee designated as responsible under the case plan or his or her immediate supervisor. The citizen review panel may request the presence of other specific employees of the DFCS office or other agency at the panel review.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.15. ADDITIONAL PROCEDURES AND PRACTICES**

The Council may adopt such other administrative practices and procedures not inconsistent with the provisions of law and these rules as may be necessary from time to time for the operation of judicial citizen review panels.

Adopted effective July 1, 1991; amended effective October 5, 1998.

#### **RULE 24.16. MAINTENANCE OF RECORDS**

See Rule 3.10.

Adopted effective July 1, 1991.

### **SECTION 25. ATTORNEYS**

#### **RULE 25.1. LEAVES OF ABSENCE**

This rule shall be in conformity with Superior Court Rule 16.

Adopted effective March 21, 1991; amended effective August 16, 2001.

#### **RULE 25.2. WITHDRAWAL OF COUNSEL**

This rule shall be in conformity with Superior Court Rule 4.3.

Adopted effective March 21, 1991.

### **RULE 25.3. ENTRY OF APPEARANCE**

No attorney shall appear in that capacity before a juvenile court until he or she has entered an appearance by filing a signed entry of appearance form or by filing a signed pleading in a pending action, except those representing the state or appointed by the court. An entry of appearance and all pleadings shall include:

- (1) the style and number of the case;
- (2) the identity of the party for whom the appearance is made;
- (3) the name, assigned state bar number, and current office address and telephone number of the attorney; and
- (4) an affidavit or verified petition attached to the pleadings disclosing any related matters pending before another court and acknowledging the on-going obligation, as provided by Rule 25.5, to notify the court regarding any such related matters.

The filing of any pleading shall contain the information required by this paragraph and shall constitute an appearance by the person(s) signing such pleading, unless otherwise specified by the court.

Any attorney who has been admitted to practice in this state but who fails to maintain active membership in good standing in the State Bar of Georgia and who makes or files any appearance or pleading in a juvenile court of this state while not in good standing shall be subject to the contempt powers of the court.

Within forty-eight (48) hours after being retained, an attorney shall mail to the court and opposing counsel or file with the court the entry of his or her appearance in the pending matter. Failure to timely file shall not prohibit the appearance and representation by said counsel.

Adopted effective March 21, 1991; amended effective March 16, 2006.

### **RULE 25.4. CONFLICTS**

This rule shall be in conformity with Superior Court Rule 17.

Adopted effective April 15, 2004.

## **SECTION 26. ACCESS TO JUVENILE COURT PROCEEDINGS**

### **RULE 26.1. ACCESS TO JUVENILE COURT PROCEEDINGS**

Whether a hearing is generally open to public access or generally closed to public access is governed by OCGA § 15-11-78. Any person seeking access to any juvenile court proceeding

shall file a written motion for access in substantial conformity with Juvenile Form JUV-22. Said motion shall be timely filed prior to any hearing at which access is sought. The court shall expeditiously set the motion for hearing. The movant shall expeditiously serve the motion and notice of hearing on all parties.

Adopted effective March 21, 1991; amended effective August 8, 1996; November 28, 1996; August 16, 2001.

## **RULE 26.2. ELECTRONIC AND PHOTOGRAPHIC NEWS COVERAGE OF JUVENILE COURT PROCEEDINGS**

In any hearing open to public access by operation of law or by court order, representatives of the print and electronic public media may be present at and unobtrusively make written notes and sketches pertaining to such proceedings. However, due to the distractive nature of electronic or photographic equipment, representatives of the public media utilizing such equipment are subject to the following restrictions and conditions:

**(A)** Persons desiring to broadcast/record/photograph juvenile court proceedings must file a timely written request (Juvenile Form JUV-25) with the judge involved prior to the proceeding, specifying the particular case for which such coverage is intended; the type of equipment to be used in the courtroom; the proceeding to be covered; and the person responsible for installation and operation of such equipment.

**(B)** Approval of the judge to broadcast/record/photograph a proceeding, if granted, shall be granted without partiality or preference to any person, news agency, or type of electronic or photographic coverage, who agrees to abide by and conform to these rules, up to the capacity of the space designated therefor in the courtroom. Violation of these rules will be grounds for a reporter/technician to be removed or excluded from the courtroom and held in contempt.

**(C)** The judge, in his or her discretion, may require pooled coverage which would allow only one still photographer, one television camera and attendant, and one radio or tape recorder outlet and attendant. Photographers, electronic reporters and technicians shall be expected to arrange themselves pooled coverage if so directed by the judge and to present the judge with a schedule and description of the pooled coverage. If the covering persons cannot agree on such a schedule or arrangement, the judge may, in his or her discretion, designate the schedule and arrangements for pooled coverage.

**(D)** The positioning and removal of cameras and electronic devices shall be done quietly and, if possible, before or after the court session or during recesses; in no event shall such disturb the proceedings of the court. In every such case, equipment should be in place and ready to operate before the time court is scheduled to be called to order.

**(E)** Overhead lights in the courtroom shall be switched on and off only by court personnel. No other lights, flashbulbs, flashes or sudden light changes may be used unless the judge approves before-hand.

**(F)** No adjustment of the central audio system shall be made except by persons authorized by the judge. Audio recordings of the court proceedings will be from one source, normally by connection to the court's central audio system. Upon prior approval of the court, other microphones may be added in an unobtrusive manner to the court's public address system.

**(G)** All television cameras, still cameras and tape recorders shall be assigned to a specific portion of the public area of the courtroom or specially designated access areas, and such equipment will not be permitted to be removed or relocated during the court proceedings.

**(H)** Still cameras must have quiet functioning shutters and advancers. Movie and television cameras and broadcasting and recording devices must be quiet running. If any equipment is determined by the judge to be of such noise as to be distracting to the court proceedings, then such equipment can be excluded from the courtroom by the judge.

**(I)** Pictures of the child, whether by still, movie, or television cameras, shall not be taken. Photographs and televising of the public and courtroom are allowed, if done without disruption of the court proceedings.

**(J)** Reporters, photographers, and technicians must have and produce upon request of court officials credentials identifying them and the media company for which they work.

**(K)** Court proceedings shall not be interrupted by a reporter or technician with a technical or an equipment problem.

**(L)** Reporters, photographers, and technicians should do everything possible to avoid attracting attention to themselves. Reporters, photographers, and technicians will be accorded full right of access to court proceedings for obtaining public information within the requirements of due process of law, so long as it is done without detracting from the dignity and decorum of the court.

**(M)** Other than as permitted by these rules and guidelines, there will be no photographing, radio or television broadcasting, including videotaping pertaining to any judicial proceedings on the courthouse floor whereon is located a juvenile court courtroom, whether or not the court is actually in session.

**(N)** No interviews pertaining to a particular judicial proceeding will be conducted in the courtroom except with the permission of the judge.

Adopted effective March 21, 1991; amended effective August 8, 1996; November 28, 1996; August 16, 2001.

## **SECTION 27. RECUSAL**

### **RULE 27.1. MOTIONS**

All motions to recuse or disqualify a judge presiding in a particular case or proceeding shall be timely filed in writing and all evidence thereon shall be presented by accompanying affidavit(s) which shall fully assert the facts upon which the motion is founded. Filing and presentation to the judge shall be not later than 5 days after the affiant first learned of the alleged grounds for disqualification, and not later than 10 days prior to the hearing or trial which is the subject of recusal or disqualification, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay the trial or proceeding.

Adopted effective December 31, 1992.

### **RULE 27.2. AFFIDAVIT**

The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

Adopted effective December 31, 1992.

### **RULE 27.3. DUTY OF THE TRIAL JUDGE**

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit are true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse. The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion.

Adopted effective December 31, 1992.

### **RULE 27.4. PROCEDURE UPON A MOTION FOR DISQUALIFICATION**

The motion shall be assigned for hearing to another judge, who shall be selected in the following manner:

(A) If within a single-judge court, the President of the Council of Juvenile Court Judges shall select the judge;

(B) If within a two-judge court, the other judge, unless disqualified, shall hear the motion. If the other judge is disqualified, then the President of the Council of Juvenile Court Judges shall select the judge;

(C) If within a multi-judge court, the presiding judge of the court shall assign the judge to hear the motion unless the judge sought to be recused is the presiding judge, in which case the next senior judge of the court not otherwise recused shall select the judge to hear the motion; or

(D) If the Judge against whom the motion is filed is the President of the Council of Juvenile Court Judges or if the President of the Council of Juvenile Court Judges is absent or disqualified for any reason, then the immediate Past President of the Council of Juvenile Court Judges shall select the judge to hear the motion.

Adopted effective December 31, 1992; amended effective March 13, 1997.

#### **RULE 27.5. SELECTION OF JUDGE**

In the instance of any hearing on a motion to recuse or disqualify a judge, the challenged judge shall neither select nor participate in the selection of the judge to hear the motion; if recused or disqualified, the recused or disqualified judge shall not select nor participate in the selection of the judge assigned to hear further proceedings in the involved action.

Adopted effective December 31, 1992.

#### **RULE 27.6. FINDINGS AND RULING**

The judge assigned may consider the motion solely upon the affidavits, but may, in the exercise of discretion, convene an evidentiary hearing. After consideration of the evidence, the judge assigned shall rule on the merits of the motion and shall make written findings and conclusions. If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as established in Rule 27.4 above. Any determination of disqualification shall not be competent evidence in any other case or proceedings.

Adopted effective December 31, 1992.

#### **RULE 27.7. VOLUNTARY RECUSAL**

If a judge, either on the motion of one of the parties or the judge's own motion, voluntarily disqualifies, another judge, selected by the procedure set forth in Rule 27.4 above, shall be assigned to hear the matter involved. A voluntary recusal shall not be construed as either an admission or denial to any allegations which have been set out in the motion.

Adopted effective December 31, 1992.

## **SECTION 28. CENTRAL CHILD ABUSE REGISTRY**

### **RULE 28.1. CREATION**

See OCGA Section 49-5-180, et seq.

Adopted effective October 28, 1993.

### **RULE 28.2. INITIATION OF PROCEEDINGS TO EXPUNGE [DELETED]**

Deleted effective August 8, 1996.

### **RULE 28.3. HEARINGS [DELETED]**

Deleted effective August 8, 1996.

### **RULE 28.4. ORDER [DELETED]**

Deleted effective August 8, 1996.

## **SECTION 29. ELECTRONIC FILING**

### **RULE 29.1. ELECTRONIC FILING GENERALLY**

(a) Except as otherwise provided, this rule shall be construed in accordance with Georgia's Electronic Records and Signatures Act, OCGA §§ 10-12-1 et. seq.

(b) A juvenile court may adopt local rules permitting electronic court filing and service of documents subject to this rule.

(c) Subject to paragraph (f), below, electronic filing is not mandatory, but permissive. Parties in a case who opt to file electronically shall deal with parties who do not file electronically in accordance with traditional, paper-based rules and procedure in keeping with the Juvenile Court Code and the Uniform Rules For Juvenile Courts.

(d) When a document to be filed requires a signature by a person but such signature is not submitted under penalty of perjury the document shall be deemed to have been signed by that person if filed electronically.

(e) When a document to be filed requires a signature of any person and such signature is submitted under the penalty of perjury the document shall be deemed to be signed by that person if any one of the following conditions is met:

(i) The clerk of the court accepting the document for filing swears that the person whose signature is required signed or intended to sign the document. The clerk of the court may keep a paper or electronic copy of the signed document as a record of the signer's intent.

(ii) A faxed copy of the signed document is delivered to the court.

(iii) An electronic image of the signed document is delivered to the court.

(f) A judge may require all parties in a case to file electronically.

(g) A judge may alter these rules in any case in the interest of justice.

Adopted effective April 17, 2003.

## **RULE 29.2. COURT AND COURT AGENTS**

Except as otherwise provided, “court” means the juvenile court or an authorized agent of the juvenile court.

Adopted effective April 17, 2003.

## **RULE 29.3. DOCUMENT FORMAT OF PLEADINGS, MOTIONS, BRIEFS, AND EXHIBITS**

(a) A pleading, motion, brief, or other similar document filed electronically into a court shall be filed in Adobe Portable Document Format (“PDF”) using the Legal XML Court Filing Standard as modified for Georgia Courts.

(b) A pleading, motion, brief, or other similar document may be delivered to an authorized agent of the court in any format, provided that the document is ultimately delivered to the court as an Adobe PDF document.

Adopted effective April 17, 2003.

## **RULE 29.4. FILING OF COMPLAINT, PETITION, OR OTHER DOCUMENT REQUIRING SERVICE OF PROCESS**

(a) An electronically filed petition or other document requiring service of process may be served in any of the following ways:

(i) The clerk of court may print the electronic summons and petition and the sheriff or the sheriff's designee shall serve the documents in such manner as required by Georgia law for the specific pleading; or

(ii) The clerk of court may deliver the electronic summons and petition to the sheriff or the sheriff's designee; the sheriff or the sheriff's designee shall print the summons and petition and shall serve the documents in such manner as required by Georgia law for the specific pleading; or

(iii) The clerk of court may deliver the electronic summons and petition to a private process server approved by the court; the private process server shall then print the summons and petition and shall serve the documents in the manner required by Georgia law for the specific pleading.

(b) In all cases, the summons and petition shall have affixed or logically associated to it the court's seal, signature, or some other evidence of authenticity.

(c) Except for service of a petition or other document requiring personal service, electronic service is complete at the time of successful transmission, but any period of notice or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic transmission by two business days. This extension applies in the absence of a specific exception provided for by any other statute or rule of court.

Adopted effective April 17, 2003.

#### **RULE 29.5. EXHIBITS**

Exhibits or other attachments shall accompany the document being filed in one of the following ways:

(i) As a paper document filed over the counter into the court,

(ii) As a facsimile transmission in accordance with local court rules, or

(iii) As an electronically filed image in Adobe PDF format.

Adopted effective April 17, 2003.

#### **RULE 29.6. TIME OF FILING, CONFIRMATION OF FILING, NOTICES, SERVICE INTERRUPTIONS**

(a) Any document that is electronically filed with the court after the close of business on any day, but before midnight, shall be deemed to have been filed on the same business day.

(b) "Close of business" as used in paragraph (a) shall mean 12:00 noon or the time at which the court would not accept a filing at the court's counter, whichever is earlier.

(c) The precise time of filing of an electronically filed document is when the document is first received without error by the court or the court's agent, whichever entity receives it first, provided the received document is eventually accepted by the court and filed.

(d) The court receiving a document filed electronically shall issue one or more confirmations that the document has been received and filed. The confirmation or confirmations shall serve as proof that the document has been received or filed, as the case may be.

(e) Notice of an electronically filed document shall be given to other parties in the following ways:

(i) An electronic filer may give non-electronic filers notice in accordance with traditional paper-based rules and procedure; or

(ii) Either the court or the electronic filer may give notice to other electronic filers by sending electronic mail to the registered email address of the electronic filers requiring notice. Whether the filer or the court is responsible for sending notice shall be determined by local court rule. Parties opting to use electronic filing shall be responsible for registering their email address with the court and shall immediately notify the court and other parties if the address changes. Attorneys shall also register their email address with the State Bar of Georgia.

Adopted effective April 13, 2003.

#### **RULE 29.7. SERVICE INTERRUPTION**

A service interruption occurs when the system used for electronic filing is not operational for more than one hour in a given day after 12:00 noon. In the case of a service interruption, a filing due on the day of the service interruption that was not filed solely because of the service interruption shall be due on the following business day. Delayed filings shall be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to the service interruption.

Adopted effective April 17, 2003.

#### **RULE 29.8. PRIVACY**

Consistent with OCGA § 15-11-79 and other applicable laws, sufficient procedural safeguards shall be exercised to ensure the privacy and security of documents filed electronically.

Adopted effective April 13, 2003.

## **SECTION 30. MAINTENANCE OF EVIDENCE**

### **RULE 30.1. RULE FOR THE MAINTENANCE OF EVIDENCE**

The Clerk of Court, Court Reporter, or other designated court personnel shall maintain a log or inventory of all items admitted as evidence in a juvenile court proceeding. Such log or inventory shall include the relevant case number, the names of the parties, the name and official position of the custodian of the items, the location where the items are stored, and a description of each item. Each item included in the log or inventory shall be individually identified with the case number and the exhibit number. The designated custodian shall update the log or inventory upon any change of the custodian or the location of the items.

During court proceedings, dangerous or contraband items shall be maintained by the designated custodian in the courthouse or other such location as allowed by law, and made available to the Court Reporter, if applicable. At all other times, such items shall be in the custody of the Sheriff's office or other appropriate law enforcement officer along with a copy of the log or inventory. The Sheriff or other law enforcement officer shall acknowledge transfer of the item(s) from the designated custodian with a signed receipt, and the receipt shall be retained with that individual's log or inventory.

In all cases, the Court Reporter shall be granted the right of access to all items admitted as evidence necessary to complete the transcript of the case.

Evidence in the possession of the designated custodian shall be maintained in accordance with the law. In the event that an item of evidence is to be released, the designated custodian shall be responsible for recording on the evidence log the name of the individual to whom the item is to be released, the date of the release, and the type of action taken for the release. The designated custodian shall also be responsible for the destruction of any item of evidence as ordered by the court.

The Clerk of Court, Court Reporter, Prosecutor, Sheriff, or other individual who is the custodian of an item of original evidence shall petition the court prior to making a substitute reproduction of such item. Upon grant of such petition, the court shall enter the order for substitution into the log or inventory.

Within thirty days after disposition of the case, the designated custodian of the items of evidence which are the subject of this rule shall transfer the items of evidence along with the evidence log or inventory to the Clerk of Court of the originating court.

Adopted effective October 25, 2007.

## **APPENDIX. GUIDELINES FOR MAINTAINING A JUVENILE COURT DOCKET FOR THE COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA**

### **JUVENILE DOCKET SHEET INSTRUCTIONS**

Prepared: March 1, 1991

Uniform Juvenile Court Rule 3.2 requires that each juvenile court clerk keep a juvenile docket book. The juvenile docket book must contain a completed Form JUV-16 for each new case referred to the court. Rule 3.1 (a) requires the clerk to follow the instructions below in completing the docket forms and maintaining the docket book.

The clerk shall make the docket book available for review by a representative of the Council of Juvenile Court Judges upon the Council's request. In lieu of maintaining a juvenile docket book and making such available to the Council for review, the clerk may furnish the Council, upon the Council's request, with the same data as that on the uniform docket by means of computer tape or other electronic means in a record format approved by the Council of Juvenile Court Judges.

#### **Docket Entries**

##### **1. Case Number**

A. Procedure. Enter the case number assigned by the court for each child referred to the juvenile court by way of a complaint in the appropriate space at the top right hand corner of the docket page. A case is opened when an offense or a group of offenses are referred to the court against or on behalf of the child on the same day by the same referring entity. A case contains all offenses arising out of the same conduct, transaction, or event within the same jurisdiction, regardless of the number of offenses involving the same child. A case is opened to resolve any postdispositional motion.

##### **B. Specific Information and Examples.**

(1) Several children who participate in one or more offenses together should be counted separately. Make a separate case entry for each child. Each child is assigned a separate case number.

(2) Multiple offenses within the same case must be docketed. For example, Adam Smith is charged with two counts of burglary. One docket sheet should be filled out completely listing all information pertinent to count one, #101-A. The next case entry on the docket sheet should contain all information pertinent to count two, #101-B. It is not necessary to duplicate the preliminary information for count two; however, it is important to enter the relevant dates for each count on the docket sheet.

(3) In deprivation and custody cases involving more than one child, separate case entries and case numbers are assigned for each child even though the children are listed on the same petition. This enables one to track individual case dispositions on each child in the docket book.

(4) Violations of probation are considered new cases and complete dispositional information must be provided on the docket sheet. Always assign new case numbers rather than assigning the same number as the case from which the offense originated.

(5) It is not necessary to inform the Council of a termination of probation order. This is not considered a new case.

(6) Postdispositional motions for contempt constitute a new case. Predispositional motions for contempt do not constitute a new case.

(7) A judicial review of a deprived case constitutes a new case. A judicial citizen review panel review of a deprived case does not constitute a new case, but an appeal of a judicial citizen review panel report constitutes a new case.

2. Name. Enter the full name of the child in the following order: last name, first name, and middle name.

3. Address. Enter the child's complete address.

4. Race. Mark the appropriate box.

5. Age. Enter the age of the child as shown on the complaint form.

6. Date of Birth ("DOB"). Enter the child's date of birth. This information is extremely important. The child's current age is calculated by subtracting the DOB from the date the complaint was filed.

7. Sex. Mark the appropriate box.

8. Complaint. The complaint includes proceedings against or on behalf of a child, regardless of whether a petition has been filed.

A. Procedure. Enter the written description of the offense and reference the relevant code section of the Official Code of Georgia, local ordinance or federal statute.

B. Example. Theft by taking OCGA § 16-8-2.

9. Type of Case.

A. Procedure. Mark the appropriate box which classifies the case type. All cases must be classified as one of the following case types: 1) delinquency; 2) unruly; 3) deprivation; 4)

termination of parental rights; 5) special proceedings; or 6) traffic. If the “delinquency” box is checked, also indicate whether the offense is a felony or misdemeanor.

#### B. Case Type Classifications.

(1) The following occurrences will result in the opening of a delinquency case:

- a. A complaint alleging delinquency is filed.
- b. A Georgia Natural Resources/Game and Fish Division Notice of Summons is filed.
- c. A delinquency case is received from the superior court by superior court order or transfer by the district attorney pursuant to OCGA § 15-11-28 (b) (2) (B) for either adjudication or disposition.
- d. A delinquency case is received from another juvenile court (within Georgia or another state) for disposition. OCGA §§ 15-11-87, 15-11-88.
- e. A delinquency case is received from another juvenile court (within Georgia or another state) for supervision of probation. OCGA §§ 15-11-87, 15-11-90.
- f. A case alleging delinquency is received from another juvenile court for adjudication.
- g. A petition to modify/vacate a previous order arising out of a delinquency case is filed. OCGA § 15-11-40.
- h. A motion to extend commitment arising out of a delinquency case is filed. OCGA § 15-11-70.
- i. A motion to extend probation arising out of a delinquency case is filed. OCGA § 15-11-70.
- j. Any postdispositional motion arising out of a delinquency case is filed excluding motions for contempt.

(2) The following occurrences will result in the opening of an unruly case:

- a. A complaint alleging unruly conduct is filed.
- b. An unruly case is received from another juvenile court (within Georgia or another state) for disposition. OCGA §§ 15-11-87, 15-11-88.
- c. An unruly case is received from another juvenile court (within Georgia or another state) for supervision of probation/supervision. OCGA §§ 15-11-87, 15-11-90.
- d. A case alleging unruly conduct is received from another juvenile court for adjudication.

e. A petition to modify/vacate a previous order arising out of an unruly case is filed. OCGA § 15-11-40.

f. A motion to extend commitment arising out of an unruly case is filed. OCGA § 15-11-70.

g. A motion to extend probation arising out of an unruly case is filed. OCGA 15-11-70.

h. Any postdispositional motion arising out of an unruly case is filed excluding motions for contempt.

(3) The following occurrences will result in the opening of a deprivation case:

a. A complaint alleging deprivation is filed or on motion of the court.

b. A petition to modify/vacate a previous order arising out of a deprivation case is filed. OCGA § 15-11-40.

c. A motion to modify/extend custody arising out of a deprivation case is filed. OCGA § 15-11-58.

d. Any postdispositional motion arising out of a deprivation case is filed excluding motions for contempt.

e. A deprivation case is received from another juvenile court. OCGA §§ 15-11-29, 15-11-30.5.

(4) The following occurrences will result in the opening of a termination of parental rights case:

a. A petition for termination of parental rights is filed. OCGA § 15-11-94.

b. A petition to modify/vacate a previous order arising out of a termination of parental rights case is filed. OCGA § 15-11-40.

c. Annual review by the court to determine what efforts have been made to assure the child's adoption. OCGA § 15-11-103 (d).

d. Any postdispositional motion arising out of a termination of parental rights case is filed excluding motions for contempt.

(5) The following occurrences will result in the opening of a special proceedings case:

a. An application to marry is filed. OCGA § 15-11-28 (a) (2) (A).

b. An application to enlist in the military is filed. OCGA § 15-11-28 (a) (2) (A).

c. An application to seal a child's record is filed or on court's own motion. OCGA § 15-11-79.2.

- d. An application to unseal a child's previously sealed record is filed. OCGA § 15-11-79.2.
- e. A petition for waiver of the parental notification requirement for an abortion is filed. OCGA § 15-11-112.
- f. The court orders a child committed to a mental health facility. OCGA § 15-11-149.
- g. A petition for access to law enforcement records is filed. OCGA § 15-11-79.
- h. An application for the appointment of a guardian is filed.
- i. Any postdispositional motion for contempt order is filed. Predispositional contempt actions do not constitute a new case. OCGA § 15-11-5.
- j. An application for protective order is filed or on court's own motion. OCGA § 15-11-11.
- k. A petition to modify/vacate a previous order is filed. OCGA § 15-11-40.
- l. A case is transferred to juvenile court pursuant to OCGA § 15-11-28 (c) for determination or investigation of custody or support.
- m. A petition for return of personal property is filed.
- n. A request for research is filed.
- o. A petition for legitimation is filed.
- p. A legitimation petition is transferred to the juvenile court by order of the superior court.
- q. A petition to proceed against a parent or guardian pursuant to OCGA § 20-2-766.1 is filed by a local school board. OCGA § 15-11-28 (a) (2) (E).
- r. A request for dissolution of a temporary guardianship is received upon transfer from a probate court. OCGA § 29-4-4.1.

(6) The following occurrences result in the opening of a traffic case:

- a. A uniform traffic citation is issued or a complaint alleging a traffic violation is filed. OCGA § 15-11-73.
- b. A petition to modify/vacate a previous order arising out of a traffic case is filed. OCGA § 15-11-40.

### C. Examples

(1) A charge of burglary would be entered as:

(x) delinquency (x) felony

(2) A truancy charge would be entered as:

(x) unruly

(3) If the complaint is “violation of probation,” the type of case is the same as that of the original offense. For example, if a child was placed on probation for truancy, an unruly offense, the violation of probation would also be classified as an “unruly” offense. If a child was placed on probation for criminal trespass, a misdemeanor, the violation of probation would be classified as delinquent--misdemeanor.

10. Referral Source. Enter the referral source for the complaint, such as Atlanta PD, DFCS, Parent, Court, etc. This information is also contained on the complaint form under “complainant.”

11. Child's Attorney Type. Indicate the child's attorney type by checking the appropriate box.

12. Date of Bond, Type, Amount. If the court sets bond for the child, indicate the date, type, and amount. For example, Date: 01/10/91 Type: Cash Amount: \$150.00.

13. Date Complaint Received. Enter the date the complaint was physically received by the court.

14. Date Child Taken Into Custody. Enter the date that the child was physically taken into custody by law enforcement. If the child was not taken into custody, leave the space blank.

15. Date When and Location Where Child Was Detained or Placed. Enter the date the child was detained or placed, and place an “x” in the appropriate box: ( ) RYDC, ( ) Detention Home, ( ) Foster Care, ( ) Shelter Care, ( ) Other.

16. Detention Hearing Date. If a detention hearing was held, enter the date.

17. Released To. If the child was taken into custody, enter the date and to whom the child was released, regardless of whether or not there was a detention hearing.

Example: 04/11/91--Date child was taken into custody

Released to--Joan DeWitt  
Relationship--Mother

18. Date Petition Filed. Enter the date the petition was filed in the clerk's office.

19. Date of Arraignment, If Held, Enter the date of the arraignment if applicable. If the court has a judicial process, other than a formal arraignment hearing, in which the child is informed of the charge(s) against him/her, his/her rights are explained, and a plea is entered, this can be considered an arraignment for practical purposes and the date of that proceeding should be entered.

Dismissed or Withdrawn Prior to Adjudication. If the case is dismissed or withdrawn prior to adjudication, enter the date.

20. Adjudicatory Hearing Date. Enter the date of the adjudicatory hearing.

21. Date of Disposition. Enter the date the court makes a final disposition. If the court orders that the child be placed on probation, enter the date the child is placed as the date of disposition. The case is legally closed since the court rendered a final disposition. In deprivation cases, do not hold the cases “open” until a termination order is given.

22. Offense Disposition. Check the appropriate box to indicate the offense disposition or court action for each offense.

A. If the case type is delinquency or unruly, the offense disposition will be one of the following:

(1) Adjudicated--Check this option if the court finds the child committed the offense.

(2) Amended/reduced--Check this option if the court amends or reduces the offense. For example, if the court reduces a charge of aggravated battery to battery, this option should be selected.

(3) Dismissed--Check this option if the complaint or petition is dismissed for any reason prior to trial or the court finds at trial that the child is not delinquent or unruly. Check this option if the case is diverted.

(4) Transferred to another juvenile court--Check this option if the court transfers the case to another juvenile court for trial.

(5) Transferred to superior court--Check this option if the court transfers the case to the superior court for trial.

(6) Informal adjustment--Check this box if the offense is disposed of informally and no petition is filed. If this option is selected, the “case disposition” will also be “informally adjusted.”

B. If the case type is deprivation, the offense disposition will be one of the following:

(1) Adjudicated--Check this option if the court finds the child is deprived.

(2) Dismissed--Check this option if the court dismisses the case for any reason prior to trial or finds that the child is not deprived at trial.

(3) Order entered--Check this option if the court enters an order following a judicial review of a deprivation case or an appeal of a judicial citizen review panel report conducted pursuant to OCGA § 15-11-58.

C. If the case type is termination of parental rights, the offense disposition will be one of the following:

(1) Granted--Check this option if the court grants the petition for termination of parental rights.

(2) Denied--Check this option if the court denies the petition for termination of parental rights.

(3) Dismissed--Check this option if the petition for termination of parental rights is dismissed for any reason prior to trial. Example: petition is withdrawn by DFCS.

(4) Order Entered--Check this option if the court enters an order following an annual review by the court to determine what efforts have been made to assure the child's adoption pursuant to OCGA § 15-11-103.

D. If the case type is special proceedings, the offense disposition will be one of the following:

(1) Granted--Check this option if the court grants the petition.

(2) Denied--Check this option if the court denies the petition.

(3) Dismissed--Check this option if the court dismisses the petition for any reason prior to hearing the petition on the merits.

E. If the case type is traffic, leave the offense disposition blank.

23. Case Disposition. Mark the appropriate box to indicate the type of disposition for each offense.

Informal Adjustment. Check this box if the case is informally adjusted and no petition is filed. An informal adjustment may include the following: (1) counsel and advice for a period of up to 90 days under OCGA § 15-11-69 before a petition is filed; (2) warning; (3) reprimand; or (4) probation with no official court action.

Probation/Supervision. Check this box if probation or supervision with official court action is ordered by the judge. This box should also be marked if the judge orders restitution without ordering probation or supervision.

Probation--Detention under OCGA § 15-11-66 (b). Check this box if the court places the child on probation and further orders that the child be detained for up to 90 days in a YDC.

Detention under OCGA § 15-11-66 (b). Check this box if the court orders that the child be detained for up to 90 days in a YDC. Do not check this box if the court further orders that the child be placed on probation or be committed to DJJ.

Committed. Check this box if the child is committed to DJJ, regardless of whether the child is placed in a YDC or alternative placement with the exception that if the child is committed under the designated felony statute, check the box "Committed--Designated Felony."

Committed--Designated Felony. Check this box if the child is committed to DJJ as a designated felon. Enter the number of months of restrictive custody ordered by the court.

Committed--Detention under OCGA § 15-11-66 (b). Check this box if the child is committed to DJJ, and the court in addition orders the child detained for up to 90 days in a YDC.

Committed--DHR. Check this box if the child is committed to the Division of Mental Health as a mentally ill or mentally retarded child. This box should only be checked when the commitment is a final disposition of the case and not when the child is referred for evaluation.

Traffic Fine. Check this box if the court orders the child to pay a fine as the disposition for committing a traffic offense or a traffic related delinquency offense.

Dismissed. Check this box if the case was ultimately dismissed by the court. Examples: 1) If the court found the child delinquent but found that the child was not in need of rehabilitation and dismissed the case. 2) If the court held the disposition open for a period of time and eventually dismissed the case. 3) If the court diverted the case.

Custody Other. Check this box if custody is granted to a person or agency other than DFCS and indicate the name of the person or agency to whom custody is granted. If custody is granted to a person, specify his/her relationship to the child.

Custody to DFCS. Check this box if the court orders that the child be placed in the custody of the Department of Family and Children Services.

Transferred to other Juvenile Court. Check this box if final disposition is to transfer the case to another juvenile court. If the case is transferred to another juvenile court, enter the name of the court, e.g., Fulton County Juvenile Court.

Transferred to Superior Court. Check this box if the court orders that the case be transferred to the superior court.

Granted. Check this box in termination of parental rights or special proceedings cases only where the “offense disposition” was marked “granted” to indicate that the petition was granted by the court.

Denied. Check this box in termination of parental rights or special proceedings cases only where the “offense disposition” was marked “denied” to indicate that the petition was denied by the court.

Review Order Entered. Check this box if the court enters an order following a judicial review of a deprived case or an appeal of a judicial citizen review panel report pursuant to OCGA § 15-11-58 or following an annual review to determine what efforts have been made toward a child's adoption pursuant to OCGA § 15-11-103.

Appealed. Check whether or not the disposition was appealed and enter the date the notice of appeal was filed with the court.

Date of Remittitur. Enter date the remittitur is received if case is being appealed.

Findings. Enter the findings on appeal. Example: Affirmed in part.

Motions/Remarks. Enter pre-judgment or post-judgment motions or remarks which are pertinent to the case disposition.